

Centerville Police Department

Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Centerville Police Department

Policy Manual

MISSION STATEMENT

To enhance the quality of life in our community by preventing crime, preserving peace, and securing a safe environment for all residents, businesses, and guests of Centerville. We will treat all people with dignity and respect. We will dedicate ourselves to integrity, professionalism, and the nonprejudicial delivery of Police Services throughout the community.

Centerville Police Department
Policy Manual

Table of Contents

LAW ENFORCEMENT CODE OF ETHICS	1
MISSION STATEMENT	2
Chapter 1 - Law Enforcement Role and Authority.....	7
100 - Law Enforcement Authority.....	8
102 - Chief Executive Officer	9
104 - Oath of Office.....	10
106 - Policy Manual	11
Chapter 2 - Organization and Administration	15
200 - Organizational Structure and Responsibility.....	16
204 - General Order.....	18
206 - Emergency Management Plan	19
212 - Electronic Mail	20
213 - Suggestion Program.....	21
214 - Administrative Communications	22
215 - Correspondence	23
216 - Supervisor Levels	27
217 - Cooperation With Others	28
218 - Concealed Weapon License.....	29
220 - Retired Or Former Officer CWL Endorsements.....	30
Chapter 3 - General Operations	32
300 - Use of Force	33
302 - Deadly Force Review.....	38
304 - Firearm Discharge	40
306 - Leg Restraint Device	45
308 - Control Devices and Techniques	48
309 - TASER® Guidelines	52
310 - Officer-Involved Shooting	58
312 - Firearms.....	65
314 - Vehicle Pursuit.....	71
315 - Roadblock Spikes and Stop Sticks	83
316 - Officer Response to Calls	85
318 - Canine Program.....	87
320 - Domestic Violence	95
322 - Search and Seizure	101
323 - Executing a Search Warrant.....	104
324 - Temporary Custody of Juveniles.....	107
326 - Elder Abuse	116
328 - Discriminatory Harassment.....	120
330 - Child Abuse Reporting.....	125

Centerville Police Department

Policy Manual

332 - Missing Person Reporting.....	129
334 - AMBER Alerts.....	133
336 - Victim and Witness Assistance.....	137
338 - Hate Crimes.....	139
340 - Employee Discipline	141
342 - Department Technology Use	150
344 - Report Preparation	153
346 - News Media Relations.....	156
348 - Court Appearance And Subpoenas.....	159
354 - Handcuffing.....	163
356 - Registered Offender Information	165
358 - Major Incident Notification	167
360 - Death Investigation.....	169
362 - Identity Fraud.....	172
368 - Limited English Proficiency Services.....	174
370 - Hearing Impaired/Disabled Communications	181
372 - Mandatory School Employee Reporting	185
374 - DNA Samples	186
378 - Public Safety Camera System.....	189
380 - Child Safety Policy.....	191
382 - Service Animals	194
386 - Off-Duty Law Enforcement Actions.....	196
Chapter 4 - Patrol Operations.....	198
400 - Patrol Function.....	199
402 - Racial/Bias-Based Profiling	201
406 - Crime and Disaster Scene Integrity	202
407 - Ride-Along Program	204
412 - Hazardous Material Response	206
414 - Hostages and Barricaded Suspects	208
415 - Fire Response	210
416 - Response to Bomb Calls	211
417 - Robbery and Alarm Response.....	214
418 - Mental Illness Commitments.....	217
420 - Citation Releases.....	220
421 - Serving Arrest Warrant	223
422 - Arrest or Detention of Foreign Nationals	225
424 - Rapid Deployment Team	231
428 - Immigration Violations	233
430 - Emergency Utility Service.....	236
432 - Patrol Rifles	237
436 - Field Training Officer Program.....	239
438 - Obtaining Air Support	242
440 - Field Interviews and Photographing of Field Detainees	243
442 - Criminal Street Gangs	248

Centerville Police Department

Policy Manual

444 - Shift Sergeants	252
446 - Patrol Video Systems	253
448 - Mobile Data Terminal Use.....	257
450 - Use of Audio Recorders.....	259
454 - Bicycle Patrol Unit.....	261
458 - Foot Pursuit	265
459 - Animal Control	269
464 - Homeless Persons.....	271
Chapter 5 - Traffic Operations	274
500 - Traffic Function and Responsibility	275
502 - Traffic Collision Reporting.....	280
510 - Vehicle Towing and Release.....	282
514 - Impaired Driving and Evidence Collection	285
516 - Traffic Citations	287
520 - Disabled Vehicles	288
524 - Abandoned Vehicles	289
526 - Driving Under the Influence Law.....	290
527 - DUI Enforcement	292
Chapter 6 - Investigation Operations.....	297
600 - Investigation and Prosecution.....	298
602 - Sexual Assault Victims' Rights.....	301
608 - Confidential Informants.....	302
Chapter 7 - Equipment	306
700 - Department-Owned and Personal Property.....	307
704 - Vehicle Maintenance.....	309
706 - Vehicle Use.....	310
707 - Department Motorcycles.....	314
Chapter 8 - Support Services	315
804 - Property and Evidence	316
806 - Records Center Procedures	324
808 - Restoration of Firearm Serial Numbers	326
810 - Release of Records and Information	328
812 - Criminal History Record Information (CHRI).....	331
814 - Computers and Digital Evidence	334
822 - Jeanne Clery Campus Security Act.....	338
Chapter 9 - Custody	342
900 - Temporary Holding Facility	343
901 - Arrest and Custody	348
902 - Handling of Prisoners	352
903 - Incarceration of Arrestees.....	355
Chapter 10 - Personnel	356

Centerville Police Department

Policy Manual

1000 - Recruitment and Selection.....	357
1001 - Credit for Previous Experience	361
1002 - Evaluation of Employees	362
1004 - Promotion and Transfer	365
1006 - Grievances.....	367
1009 - Exposure to Blood or Body Fluids	369
1010 - Reporting of Employee Convictions.....	371
1012 - Alcohol and Drug Use	373
1016 - Communicable Diseases	376
1018 - Smoking and Tobacco Use	383
1020 - Personnel Complaint Procedure.....	384
1022 - Seat Belts	391
1024 - Body Armor.....	393
1026 - Peace Officer Personnel Files	395
1028 - Request for Change of Assignment.....	402
1030 - Employee Commendations.....	403
1032 - Fitness for Duty.....	404
1033 - Physical Fitness.....	407
1034 - Meal Periods and Breaks.....	412
1035 - Lactation Breaks	413
1036 - Payroll Record Procedures.....	415
1040 - Outside Employment	416
1041 - Court Bailiff	420
1042 - On-Duty Injuries.....	421
1044 - Personal Appearance Standards.....	424
1046 - Uniform Regulations	426
1047 - Dispatcher Uniforms	432
1050 - Nepotism and Conflicting Relationships	433
1052 - Department Badges	435
1054 - Modified Duty Assignments	437
1058 - Employee Speech, Expression and Social Networking	440

Centerville Police Department
Policy Manual

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of the Department shall be considered peace officers pursuant to Utah Code 53-13-102 and 103. The authority of any such police officer extends to any place in the state of Utah as follows (77-9-3):

(1) Any police officer authorized by any governmental entity of this state may exercise a peace officer's authority beyond the limits of such officer's normal jurisdiction as follows:

- (a) When in fresh pursuit of an offender for the purpose of arresting and holding that person in custody or returning the suspect to the jurisdiction where the offense was committed;
- (b) When a public offense is committed in such officer's presence;
- (c) When participating in an investigation of criminal activity which originated in the officer's normal jurisdiction in cooperation with the local authority; or
- (d) When called to assist peace officers of another jurisdiction.

(2)

- (a) Any peace officer, prior to taking any action authorized by subsection (1), shall notify and receive approval of the local law enforcement authority, or if the prior contact is not reasonably possible, notify the local law enforcement authority as soon reasonably possible.
- (b) Unless specifically requested to aid a peace officer of another jurisdiction or otherwise as provided for by law, no legal responsibility for a peace officers actions outside his/her normal jurisdiction, except as provided in this section, shall attach to the local law enforcement authority.

100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Utah Constitutions.

Chief Executive Officer

102.1 PURPOSE AND SCOPE

Utah Code 53-6-205 mandates that all sworn officers employed after January 1, 1985 successfully complete a Utah POST Council certified academy or successfully pass a state certification examination pursuant to Utah Code 53-6-206, and obtain POST certification, prior to being permitted to exercise peace officer powers.

102.1.1 CHIEF OF POLICE REQUIREMENTS

It is recommended that a candidate for Chief of Police of the Department should, as a condition of continued employment:

- (a) Be an individual of recognized executive and administrative capacity;
- (b) Be selected solely with regard to their qualifications and fitness to discharge the duties of the office;
- (c) Be of high moral character; and
- (d) Be of good standing in their community of residence.

Oath of Office

104.1 PURPOSE AND SCOPE

Officers of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Utah Constitution Article IV, Section 10).

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Centerville Police Department is hereby established and shall be referred to as "The Policy Manual," or "manual." The Policy Manual is a statement of the current policies, procedures, directives, rules and guidelines of the Department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the discretion entrusted to members of the Department under the circumstances reasonably available at the time of any incident.

106.1.1 POLICY MANUAL IS NOT A CONTRACT

Nothing in this manual is intended to create a binding or implied contract or any other obligation or liability on the Department or City beyond those created by state or federal law or pursuant to any operative memorandum of understanding (MOU) between the Department and recognized bargaining units.

106.1.2 POLICY MANUAL DISCLAIMER

The guidelines, information and provisions contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind, implied or otherwise, between the Police Department, the City, and its employees. No person other than the Police Chief, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of Department and City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the Department, the City, and its employees. Nothing herein shall be construed to limit the Police Department's or the City's right to discharge an employee or to create any other obligation or liability on the Department or the City. The Department and the City alone shall be entitled to enforce or waive the provisions of any policy, practice or procedure set forth herein.

106.1.3 CITY PERSONNEL POLICIES AND PROCEDURES

Centerville City has adopted general Personnel Policies and Procedures applicable to all employees of the City, including Police Department employees. Except as otherwise specifically provided herein or in the Centerville City Policies and Procedures, the Centerville City Policies and Procedures shall apply to all Department members as employees of the City in addition to the policies and procedures set forth in this manual. When a conflict arises between the City Personnel Policies and Procedures and this Policy Manual, the provisions of this manual shall govern.

Centerville Police Department

Policy Manual

Policy Manual

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

106.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue General Orders which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual. Any amendments to the Policy Manual shall be by General Order issued in writing by the Police Chief and incorporated herein in accordance with Section 106.4.1.

106.2.2 STAFF

Staff shall consist of the following:

- (a) Chief of Police
- (b) Lieutenant
- (c) The Supervisor from each division

The staff may suggest or review recommendations regarding proposed changes to the manual.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual may forward their suggestion in writing to their Sergeant who will consider the recommendation and forward to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

All published policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement when appropriate, and then followed with the directive information of that subject. The published date of the document will be printed in the footer of each page.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- (a) General Orders may be abbreviated as "GO"
- (b) Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18-years of age or older.

CFR - Code of Federal Regulations

City - Shall mean the City of Centerville.

Centerville Police Department

Policy Manual

Policy Manual

Department/CPD - The Centerville Police Department

DMV - The Department of Motor Vehicles

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18-years.

Manual - The Centerville Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Police Department including sworn officers, reserve officers, civilian employees and volunteers.

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Centerville Police Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - The Utah Peace Officer Standards and Training Division.

Rank - The job classification title held by an officer.

Shall or Will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

UHP - The Utah Highway Patrol

USC - United States Code

106.3.3 DISTRIBUTION OF POLICY MANUAL

Copies of the Policy Manual shall be distributed to the following:

- (a) Chief of Police
- (b) Lieutenant
- (c) Detective Sergeant
- (d) Patrol Sergeants
- (e) All Officers

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the Chief.

106.3.4 ACKNOWLEDGEMENT

Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modifications to this manual.

Centerville Police Department

Policy Manual

Policy Manual

106.4 MANUAL ACCEPTANCE

As a condition of employment all employees are required to read and obtain necessary clarification of all the Department's policies. Each employee is required to sign a Statement of Receipt acknowledging that they have received a copy of the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

The City reserves the right to unilaterally revise, amend, add to or delete any policy, procedure or benefit provided in this manual, in its sole and absolute discretion. Any amendments to this manual shall be adopted by General Order issued in writing by the Police Chief. Notice of any amendments shall be provided to all employees as more particularly provided herein.

All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. All employees are responsible for keeping abreast of all revisions as posted on the Department Home Page. The Training Sergeant will forward revisions to Policy Manual each quarter to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail, review the revisions and seek clarification as needed.

Each supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.

Centerville Police Department
Policy Manual

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Centerville Police Department. There are four divisions in the Police Department as follows:

- (a) Administration Division
- (b) Operations Division
- (c) Investigation Division
- (d) Patrol Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Supervisor whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Technical Services and Administrative Services.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Supervisor whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Communications Center and Police Aides/Assistants.

200.2.3 INVESTIGATION DIVISION

The Investigation Division is commanded by a Supervisor whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigation Division consists of the Investigations Bureau, Crime Analysis Unit, Property Bureau and Forensic Services.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Lieutenant to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Lieutenant
- (b) Detective Sergeant

Centerville Police Department

Policy Manual

Organizational Structure and Responsibility

- (c) Shift Sergeant
- (d) OIC

200.3.2 ON SCENE COMMAND

- (a) When members of different units are engaged in a single operation, the senior commander at the scene shall be in charge: The Chief of Police; the command officer of the primary unit; any other command officer; the supervisor of the primary unit; any other supervisor; employee of highest rank.
- (b) When patrol and investigations personnel are at the same scene simultaneously, the patrol unit shall be in charge, except in the case of a major crime scene or search, where investigations shall be in command.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.4 AUTHORITY AND RESPONSIBILITY

- (a) Consistent with the principles of sound supervisory practices, all supervisory personnel will be held accountable for the performance of their subordinates. To facilitate this end, training requirements for supervisory personnel are assigned in the job description and job task analysis, and in-service training for supervisors shall address employee career development.
- (b) Irrespective of rank, each employee within the organization has clearly articulated duties and responsibilities. Each employee is hereby delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

General Order

204.1 PURPOSE AND SCOPE

General Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policies or procedures. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual as required upon issuance by the Police Chief in accordance with the amendment procedures set forth in Section 106.4.1. General Orders will modify an existing policy or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have been incorporated in the updated Policy Manual as of the below revision date.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first General Order for the year 2011.

204.2 RESPONSIBILITIES

204.2.1 CHIEF OF POLICE

The Chief of Police shall issue all General Orders.

204.3 ACCEPTANCE OF GENERAL ORDERS

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on-duty may activate the Emergency Management Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Centerville Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administration and the Shift Sergeant's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees.

206.5 UPDATING OF MANUALS

The Chief of Police or designee shall review and update, if necessary, the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law. Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the Department.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system will not be tolerated and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or Lieutenant. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

Suggestion Program

213.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish a suggestion program that can be utilized by Department members to make recommendations concerning the overall operation, mission, responsibility, and equipment of the Centerville Police Department

213.2 POLICY

- (a) It is the policy of this Department to solicit suggestions from Department members concerning the overall operation of the Department.
- (b) All such suggestions and recommendations should be submitted in writing to the Chief of Police.
- (c) All written suggestions will be reviewed by the Police Chief and a copy showing the proposed disposition returned to the Department member making the suggestion.
- (d) If an employee wishes to remain anonymous, written suggestions can be forwarded to the Police Chief without signature.
- (e) The suggestion program and process should not be utilized to replace grievance procedures or to otherwise file a complaint. Complaints and grievances shall be filed in accordance with applicable policies regarding the same.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of the Department are governed by the following policies.

214.2 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Sergeant.

Correspondence

215.1 PURPOSE AND SCOPE

The purpose of this General Order is to define correspondence procedures and have an established consistent manner of handling all correspondence issued by and through the Department.

215.2 POLICY

- (a) **Origination.** Outgoing correspondence from the Department may be originated by any member of the Department provided all outgoing correspondence be approved as to form and content by the Chief of Police before mailing.
- (b) **Approval by Chief.** When the letter has been typed, the writer is to sign the original and forward it to the Chief of Police for approval and signature.
- (c) **Copy to File.** If the correspondence relates to a crime or incident file, a copy of the correspondence shall be filed in the original appropriate case file.
- (d) **Mail.** After approval by the Police Chief, the outgoing correspondence will be sealed and routed to City Hall for postage and mailing.

215.3 LETTER STRUCTURE

- (a) **Date line.** The date of the letter should be the day it is mailed. The date line should be left justified at the top of the page below the letterhead portion.
- (b) **Addressee.** This address shall contain the name of the addressee and the address, including the zip code. It should be two spaces below the date.
- (c) **Attention Line.** When an attention line is used it indicates that the letter is intended for a specific individual. The attention line should be typed two spaces below the address and flush with the left-hand margin.
- (d) **Reference Line.** All correspondence should have a reference line to identify the correspondence. If a file reference is given in an incoming letter, include a reference line in your reply, whether requested or not. If a letter is in reference to a case, the case number should be referenced in outgoing letters. The reference line is located two spaces below the inside address or the attention line if there is one and indented ten spaces from the left hand margin.
- (e) **Salutations.** The salutation is typed two spaces below the inside address, attention line, or reference line, as the case may be. The usual forms are Dear Mr. Jones, Dear Mrs. Jones, Dear Ms. Jones, Gentlemen, Dear Sir, etc.
- (f) **Body of Letter.** Begin each line flush with the left-hand margin of the letter. Lines within each paragraphs should be single-spaced with a double-space between paragraphs. When enumerating material in the body of the letter, the information should be indented five spaces from the left margin. Each item should be preceded with a number followed by a period. The entire letter should be centered on the page.
- (g) **Complimentary Close.** The complimentary close is typed two spaces below the last line of the letter and begins in the center of the page. It should never extend beyond the right margin of the letter. Capitalize only the first word, and follow the close with a comma. The usual forms are Very truly yours, Yours truly, Respectfully, Sincerely, and Sincerely yours.

Centerville Police Department

Policy Manual

Correspondence

- (h) **Signature.** All correspondence sent from the Centerville Police Department regarding official business shall bear the name of the Chief of Police and his title. This information will be typed four spaces below the complimentary close. If someone other than the Chief of Police is writing the letter, the Chief of Police's name and title will be typed two spaces below and flush with the complimentary close. The writer's name will then appear four spaces below and flush with the complimentary close. The signature of the writer is placed above the writer's name.
- (i) **Identification Line.** The identification line shows who dictated or wrote the letter and who typed it. The clerk transcribing or typing the letter will make these notations flush with the left-hand margin on the same line with the name of the writer.
- (j) **Enclosure Mark.** When the writer encloses other items or documents with the letter, it should be indicated. When the clerk types this information it will appear below the identification line, flush with the left-hand margin.
- (k) **Copy Distribution Notation** - If applicable. When a copy is to be sent to another person, type the distribution notation flush with the left-hand margin below all other notations. Separate it from the other notations by two lines.
- (l) **Heading the Second Page.** If the letter runs to a second page, use a plain sheet without a letterhead, but of the same quality and size, for the second and subsequent pages. The heading should contain the name of the addressee, the number of the page, and the date.

The margins should be exactly the same as those for the first page. Leave three to six lines between the heading and the body of the letter.

EXAMPLE:

Mr. R.H. Smith 2 of ? January 1, 2005

Please see Letter Sample for examples of a letter.

Centerville Police Department

Policy Manual

Correspondence

CENTERVILLE POLICE DEPARTMENT

250 NORTH MAIN
CENTERVILLE, UTAH 84014
e-mail: police@centervilleut.com

(801) 292-8441
FAX (801) 296-2078

Chief of Police
NEAL WORSLEY

December 9, 2010

[Company Name]
[Street Address]
[City, ST Zip code]

Attention: [Recipient full name if possible]

Dear Mr. [Recipient]:

[Body of Letter]


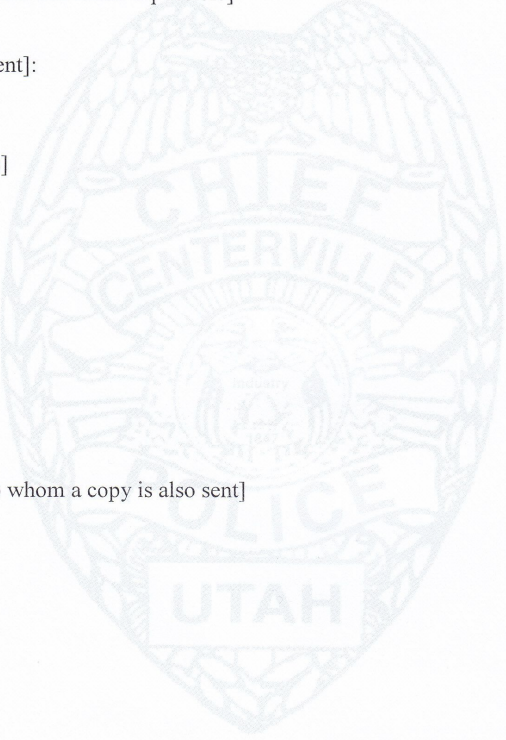
[More paragraphs]

Sincerely,

Neal Worsley
Chief of Police

NRW: sll
Enclosure

cc: Mr. [person to whom a copy is also sent]



215.3.1 ADDRESSING ENVELOPES

- (a) **Block.** Block the address so all lines have a uniform left margin.

Centerville Police Department

Policy Manual

Correspondence

- (b) **Single Spaced.** Always single space the addressee's name and address, no matter how few lines there are.
- (c) **Address.** The envelope should be addressed exactly the same as the inside address of the letter.
- (d) **State and Zip Code.** The name of the State must either be written out in full or abbreviated according to the list of abbreviations developed by the U.S. Post Office. The zip code should always be used.
- (e) **Attention.** The attention line is typed two spaces below the address line, flush left. Attention may be abbreviated ATTN, followed with a colon.

EXAMPLE: ATTN: Capt. Howard

Supervisor Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. Shift Sergeants will ensure that at least one field supervisor is deployed during each watch, in addition to the Shift Sergeant.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Patrol Sergeant, an officer may act as the Shift Sergeant for a limited period of time.

Cooperation With Others

217.1 PURPOSE AND SCOPE

The purpose of this General Order is to emphasize the importance of maintaining high professional standards of members within the Department.

217.2 HARMONY AND COOPERATION WITHIN THE DEPARTMENT

Officers and employees of the Department shall conduct themselves in a manner that will foster the greatest harmony and cooperation between each other and organizational units of the Department

217.2.1 CONDUCT CONCERNING OFFICERS OF OTHER JURISDICTIONS

- (a) Members shall cooperate with, support, and assist officers from other law enforcement agencies in the same manner the Department would seek cooperation from that agency as well as other agencies.
- (b) Whenever police action must be taken against any officer from another law enforcement agency, the officer taking such action will immediately notify his or her supervisor and will immediately following the incident write a report on the matter.

217.2.2 AIDING AND PROTECTING FELLOW OFFICERS

Members shall act together and protect one another in time of danger or in circumstances where danger might reasonably be impending.

217.2.3 COWARDICE

Members of the Department shall not display cowardice or fail to support their fellow officers in the performance of duty.

217.2.4 RESPECT FOR FELLOW AND SUPERIOR OFFICERS

- (a) Members shall treat other members of the Department with respect. They shall be courteous, civil, and respectful of their superior officers and associates, whether on or off duty.
- (b) In addressing or referring to a superior officer in the line of duty or under circumstances where protocol is in order, his or her proper title shall be used. It must not be omitted, altered, or abbreviated.

217.2.5 SUPPORTING FELLOW OFFICERS

Members shall cooperate with, support, and assist each other at every opportunity and shall not publicly criticize the work or the manner or performance of duty of any other member.

217.2.6 SENIOR OFFICERS

All personnel will operate on the premise that the senior officer in each car or on any scene is in charge and will be held accountable for infractions of policies, rules, and regulations and for completion and correctness of reports.

Concealed Weapon License

218.1 PURPOSE AND SCOPE

Concealed weapon permit holders are subject to suspension or revocation of the permit upon commission of certain acts. This policy will provide guidance to the officer for notification to the Bureau of Criminal Identification of circumstances that may be grounds for review of a concealed weapon permit (Utah Code 53-5-704).

218.2 QUALIFIED APPLICANTS

In order to continue to qualify for a permit to carry a concealed weapon, a person (Utah Code 53-5-704):

- (a) Must not have been convicted of a felony.
- (b) Must not have been convicted of any crime of violence.
- (c) Must not have been convicted of any offense involving the use of alcohol.
- (d) Must not have been convicted of any offenses involving the unlawful use of narcotics or other controlled substances.
- (e) Must not have been convicted of any offenses involving moral turpitude, as defined in Utah Administrative Code R722-300-3(M).
- (f) Must not have been convicted of any offense involving domestic violence.
- (g) Must not have been adjudicated by a court of a state or of the United States as mentally incompetent, unless the adjudication has been withdrawn or reversed; must not have been committed to a mental institution or found not guilty by reason of insanity for a felony offense; and must not have been found mentally incompetent to stand trial for a felony offense.
- (h) Must not be a person who is illegally or unlawfully in the United States.
- (i) Must not have been dishonorably discharged from the armed forces.
- (j) Must not have renounced his/her citizenship after having been a citizen of the United States.
- (k) Must not have committed any crime or act that would disqualify the person from possession of a weapon under federal law.

An officer who has reason to believe that a concealed weapon permit holder or applicant has violated one of the foregoing provisions should notify the Department of Public Safety Bureau of Criminal Identification and document the reasons in an information report. The Bureau of Criminal Identification may then review the person's eligibility to hold a concealed weapon permit.

Retired Or Former Officer CWL Endorsements

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CWL) endorsement for retired/former officers of the Department.

220.2 QUALIFIED RETIREES/FORMER OFFICERS

Any former officer who departs full-time employment as an officer, in an honorable manner, shall be issued a concealed firearm permit within five years of that departure if the officer meets the requirements of Utah Code 53-5-704.

- (a) For the purpose of this policy, "qualified retired or former officer" includes all peace officers who have qualified for and accepted a service or disability retirement or has departed in an honorable manner.
- (b) No "CWL Approved" endorsement shall be issued to any officer retiring or departing employment because of a psychological disability.

220.3 MAINTAINING A CWL ENDORSEMENT

In order to maintain a CWL Approved endorsement on an identification card, the retired or former officer shall:

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired or former officer's expense. Upon verification by this department that all annual requirements have been met by an otherwise qualified retired or former officer, the CWL Approved endorsement shall be re-stamped and dated (18 USC 926 C).
- (b) Remain subject to all Department rules and policies as well as all federal, state and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC 926 B and C, and Policy Manual § 312.8, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states.

220.5 DENIAL OR REVOCATION OF CWL ENDORSEMENT

The CWL endorsement for any retired or former officer from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CWL endorsement is initially denied, the retired or former officer may file a petition for review with the Concealed Weapon Review Board.
- (b) The denial of a license shall be in writing and shall include the general reasons for the action.

Centerville Police Department

Policy Manual

Retired Or Former Officer CWL Endorsements

- (c) If a retired or former officer appeals the denial, the retired or former officer shall have access to the evidence upon which the denial was based.
- (d) Upon a ruling by the Concealed Weapon Review Board the retired or former officer shall be notified within 30 days.

Centerville Police Department
Policy Manual

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted may use force in carrying out their duties.

Officers must have an understanding of and true appreciation for the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.1.2 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers should also promptly report these observations to a supervisor.

300.2 POLICY

It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

Centerville Police Department

Policy Manual

Use of Force

300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

Off-duty officers who do identify themselves as peace officers have the same rights as any other person to use force as described in Utah Code 76-2-401 through 403.

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

Centerville Police Department

Policy Manual

Use of Force

300.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or serious injury shall be considered non-deadly force. Each officer is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices, and TASER described in §§ 306, 308 and 309 respectively.

300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received Department-approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance, including but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.2.5 LESS LETHAL

Less lethal force means any use of force other than that which is considered deadly force, including but not limited to the use of a come along, wrist lock, control hold, aerosol defensive tool, Taser, impact weapon, or other weapons described in the Department's policy regarding Less Lethal Weapons and Restraints. Where deadly force is not authorized or reasonable under the circumstances, officers shall assess the incident to determine which less lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner. Any such use of a less lethal force technique or weapon shall be employed by the officer in accordance with the procedures and qualification standards set forth in the Department policy regarding less lethal weapons and restraints. No officer may use a less lethal weapon or technique for which he or she is not qualified or which is not authorized by the Department.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury.

A peace officer, or any other person acting by his/her command in his/her aid and assistance is justified in using deadly force when:

Centerville Police Department

Policy Manual

Use of Force

- (a) Effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape and
 - 1. The officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
 - 2. The officer has probable cause to believe that the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.
- (b) The officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.
- (c) If feasible, a verbal warning should be given by the officer prior to any use of deadly force (Utah Code 76-2-404).

300.3.1 JUSTIFICATION

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he or she decides to use such force. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify the use of such force.

300.3.2 PURSUANT TO WARRANT

The use of force by an officer making an arrest under the authority of a warrant shall be in accordance with the provisions set forth in this Section. The possession of a warrant of arrest does not provide the officer any greater rights than contained herein. Thus, if the warrant is for the arrest of one who has committed a forcible felony, the right to use deadly force to effect an arrest or prevent the escape shall be in accordance with this Section.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by an employee of the Department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in any Department policy and/or law.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force under any of the following circumstances:

- (a) The application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of pain.
- (c) Any application of a control device as defined in 308.1.
- (d) The individual has been rendered unconscious.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual

Centerville Police Department

Policy Manual

Use of Force

refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s).
- (b) Ensure that any injured parties are examined and treated.
- (c) Separately interview the subject(s) upon whom force was applied.
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Should the supervisor determine that any application of force was not within policy parameters, a separate internal administrative investigation shall be initiated.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Deadly Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of the Department.

302.2 REVIEW BOARD

The Centerville Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of the Department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Deadly Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training, destroying an injured animal, or recreational use.

The Chief of Police may convene the Use of Deadly Force Review Board to investigate the circumstances surrounding any use of force incident.

302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons:

- (a) Command representative of each division
- (b) Training Sergeant
- (c) Department use of force instructor
- (d) Department firearms instructor
- (e) Non-administrative supervisor

The senior ranking employee not of the same division of the involved employee will serve as chairperson.

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the Supervisor of the involved employee(s) to notify the appropriate personnel of any incidents requiring board review. The Supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board may request further investigation, call persons to present information, and may request that the involved employees appear before the board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee.

Centerville Police Department

Policy Manual

Deadly Force Review

The review shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying legal requirements, department policy and procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor call into question an officer's decision regarding use of force.

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board will conduct the interviews in accordance with department disciplinary procedures. The board does not have the authority to recommend discipline. The board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policies and procedures.
- (b) The employee's actions were in violation of department policies and procedures.

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Sergeant for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the board has reached its specific finding, the Training Sergeant may convene a separate training committee to address training needs and to make recommendations for this department without specific reference to the facts of the incident considered by the board.

Firearm Discharge

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for Department administrative actions.

304.1.1 POLICY

It is the policy of the Department to resort to the use of a firearm when it reasonably appears to be necessary, and generally:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible (Utah Code 76-2-404(2)).
- (c) To stop a dangerous animal.
 - 1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
 - 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, TASER, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Before destroying the animal, the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. However, if the officer is in a location or circumstance where the officer is unable to contact another person, the injured animal may be destroyed (Utah Code 76-9-305(3)).
- (e) For target practice at an approved range.

Centerville Police Department

Policy Manual

Firearm Discharge

Where feasible, a warning should be given before an officer resorts to deadly force as outlined in (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible as outlined in Utah Code 76-2-404(2).

304.1.2 FIREARMS AND WARNING SHOTS

Deadly force involving the use of a firearm shall be conducted in accordance with the Department Firearms policy. In conjunction therewith, the following guidelines are provided:

- (a) Warning shots are prohibited.
- (b) A firearm shall not be discharged when it appears likely that an innocent person may be injured.

304.1.3 MOVING VEHICLES

Public safety should always be considered when shots are fired at or from a moving vehicle. The shots are rarely effective, may cause loss of control without halting the vehicle, and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.1.4 REPORT OF WEAPON DISCHARGE

Each time an officer discharges a firearm except those listed in 304.1.5, he or she will be required to submit a detailed police report of the circumstances and a Use of Force Report. The reports will be submitted as soon as possible after the incident. The police report will be completed in the following sequence and contain the following information:

- (a) Name and ID number of officer who discharged the firearm;
- (b) Date and time of occurrence;
- (c) Location of occurrence;
- (d) Serial number of the weapon, how many and what type of rounds were expended; and
- (e) All pertinent information concerning the incident, including the reasons for the use of the firearm(s).

304.1.5 INTERNAL INVESTIGATION OF USE OF FIREARMS

The Chief of Police will direct an investigation of all incidents in which an officer discharges a firearm, on or off duty, EXCEPT:

Centerville Police Department

Policy Manual

Firearm Discharge

- (a) Discharge of firearms on the Department range and all other forms of target practice;
- (b) Discharge of firearms during sporting events, including hunting and organized shooting matches; or
- (c) Discharge of firearm when destroying a dangerous or injured animal.

The investigation will be initiated immediately and completed as soon as possible.

Discharged Firearm. A Supervisor or Chief of Police shall conduct the investigation of any firearm incidents in which an officer is shot or shot at.

Notification of Detective Division. The Chief of Police, or in his absence, a Supervisor will notify the Detective Division of any incident in which an officer is shot or shot at or discharges a firearm in performance of official police duties. The officer shall be available to the Detective for official interviews and statements regarding the incident. The Detective will act as Review Officer and will present the case to the Firearms Review Board.

304.1.6 REQUIRED NOTIFICATION OF THE CHIEF OF POLICE AND SUPERVISOR

- (a) Immediately following the discharge of a firearm by an on-duty or off-duty officer, except as provided in Section 304.1.5(a), 304.1.5(b), and 304.1.5(c), the officer's immediate supervisor will be notified.
- (b) Notification of Detective Division. The Chief of Police or, in his absence, a Supervisor will notify the Detective Division of any incident in which an officer is shot or shot at, or discharges a firearm in performance of official police duties.

304.1.7 PROCESSING THE WEAPON

- (a) The officer involved in a shooting incident will protect the weapon for examination.
- (b) If the officer is incapacitated, the Sergeant will secure the weapon and make it available for examination by the assigned investigator.
- (c) The scene investigator will examine the weapon before placing it in evidence.
- (d) The Investigator will remove the weapon from evidence and will run or have run the necessary tests and document the results of the said tests. The Investigator will retain possession of the weapon until it is returned to the officer.
- (e) After the necessary investigations have been completed, the weapon will be returned to the officer. Any replacement weapon will be returned to a Supervisor.

304.2 FIREARMS REVIEW

Firearms Review Panel - Purpose.

- (a) The panel will review each incident in which an officer discharges a firearm, intentionally or accidentally, and incidents in which an officer is shot or shot at by another individual.
- (b) The panel will conduct informal hearings and discussions directed toward the issues of the officer's compliance with proper and propriety procedures, judgment, and other viable alternatives at the time of the incident.
- (c) At the request of a Supervisor, the panel may also review any incident involving force not related to shooting.
- (d) The panel will submit a report of its conclusions to the Chief of Police. The report will not include recommendations pertaining to discipline.

Centerville Police Department

Policy Manual

Firearm Discharge

- (e) Based on the review of any incident, the panel may recommend modification of policy, procedure, and training and publish the results for the benefit of Department members.
- (f) The panel will compile statistics on incidents in which firearms have been discharged.

304.2.1 MEMBERSHIP ON THE PANEL

The panel will consist of four voting members. Two of the members shall reside on the panel by virtue of their Department assignment. The third and fourth member will be appointed by the Chief of Police.

Voting members consist of:

- (a) A Supervisor, Board Chairman.
- (b) One Detective Division ranking officer, or if his or her subordinate was involved in the incident, any investigative division officer appointed.
- (c) The other two officers will be appointed by the Chief of Police and will be Supervisors from outside the Department.
- (d) If any of the above are involved in the incident in question, the Chief of Police will appoint an officer to serve on the panel.

304.2.2 REVIEW PROCESS

- (a) The panel will be convened at the discretion of the Chief of Police. The panel will not report a decision until the following two processes have been completed:
 - 1. The criminal file is presented to the prosecutor and he or she does not file a complaint; and
 - 2. The Internal Affairs Division or Detective Division has completed its investigation.
- (b) Cases pending for an extended period of time before the prosecutor, grand jury, or the courts, will be reviewed but the findings of the panel will not be released until adjudication.
- (c) The panel will be convened within two weeks of the incident or within two weeks following the disposition of a pending case.
- (d) The Review Officer, who shall be familiar with all aspects of the case, will present the case to the panel. The Review Officer will be a member of the Detective Division investigative team or other assigned investigator. The review Officer is responsible for duplicating and distributing the case file to the panel's presiding officer, who will distribute copies to the other members of the panel and schedule the review.
- (e) This policy shall not preclude any member of the Firearms Review Panel from making an independent inquiry into any part of the incident.
- (f) The officer involved in the shooting may be invited to attend the fact briefing and provide personal representation if physically able to do so. However, the officer's presence is not mandatory.
- (g) After considering the case presentation by the Review Officer and facts presented by any other persons called before the board, the panel will make a determination falling within the categories below:
- (h) In Policy. The officer has acted within the policies and procedures established by the Department;

Centerville Police Department

Policy Manual

Firearm Discharge

1. In Policy/Substandard Performance. The Review Panel will define in narrative form the classification of the substandard performance based on the facts of each case;
 2. Out of Policy. This means that the discharge of firearms was not within Department policy and could have been avoided;
 3. Accidental/No Negligence. This ruling indicates that the officer accidentally discharged the firearm and was not negligent;
 4. Accidental/Negligence Involved. This ruling indicates the officer was negligent in the handling of the firearm; or
 5. Other Recommendations.
- (i) The decision made by the panel should be unanimous. When a unanimous decision cannot be reached, the majority-minority decision will be forwarded to the Chief of Police.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, the policy, and process for the proper use of these devices.

306.2 DEVICE APPLICATION

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest, and/or transportation, only restraint devices approved by the Department shall be used and only in the Department-approved manner for such temporary immobilization of the legs.

306.3 AUTHORIZED RESTRAINT

The RIPP Hobble manufactured by RIPP Restraints, Inc., Orange City, Florida and ankle chains are the only restraints authorized by this department. Officers shall only use the RIPP Hobble restraint or ankle chains supplied by the Department.

306.4 USE GUIDELINES

In determining whether to use the restraint, officers should consider the following:

- (a) If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting, and/or attacking person.
- (b) If it is reasonable to protect the person from his/her own actions which would place him/her in danger e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, or kicking at objects or officers.
- (c) The restraint shall be used only after a person has been handcuffed.

306.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports and a supervisor should be notified. Whenever practical, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Centerville Police Department

Policy Manual

Leg Restraint Device

306.5 PROCEDURE

The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

- (a) If practical, officer(s) should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the restraint.
- (b) Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs, ensuring enough slack is allowed to allow the person to sit in an upright position.
- (c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.
- (d) Once restrained, the person shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe.
- (e) The restrained person should be constantly watched by an officer while in the restraint. The officer is to ensure the person does not roll onto and remain on his/her stomach.
- (f) The officer should look for signs of labored breathing and, when practical, take appropriate steps to identify, minimize and relieve factors contributing to this condition.

306.5.1 TRANSPORTING RESTRAINED PERSONS

When transporting a person who has been restrained, officers shall observe the following procedures:

- (a) Restrained persons may be transported in a patrol vehicle. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the restrained person cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that their arms are not pinned beneath them.
- (c) Officers shall inform the jail staff that a restraint device was used on the arrestee prior to arrival at the jail.

306.6 DOCUMENTATION

Any time the restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the person was restrained.
- (b) How the person was transported and the position of the suspect.

Centerville Police Department

Policy Manual

Leg Restraint Device

- (c) Observations of the person's physical actions.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. The use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The procedures listed below are for the use and maintenance of control devices (e.g., baton, oleoresin capicum (OC) spray, and tear gas). Only those control devices that have been approved by the Chief of Police or designee are authorized to be carried by members of the Department.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the Department armorer, rangemaster, or the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only officers trained in the use of any control device and this department's Use of Force Policy are authorized to carry the device.
- (b) Officers' training and proficiency must be monitored, tested, and documented by a certified weapons or tactics instructor.
- (c) Training for all control devices should occur once a year at a minimum.
- (d) All training and proficiency for control devices will be documented in the officer's training file.
- (e) Officers failing to demonstrate proficiency with the weapon or knowledge of this department's Use of Force Policy will be provided remedial training. If after two additional attempts an officer still cannot demonstrate proficiency with a weapon or knowledge of this department's Use of Force Policy, the officer may be subject to discipline.

308.2 IMPACT WEAPONS

- (a) Permitted Weapons. The only impact tools authorized for use by Department members are the Monadnock Autolock or the ASP Police Batons made of either plastic or aluminum. The Hindi baton cap is authorized for use on both batons.
 - 1. The baton/Armament Systems and Procedures (ASP) Baton is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect.
- (b) Prohibited Weapons. No other impact tools are authorized for use by the Department members including Sap gloves, short billy clubs, nunchucks, batons with steel knobs or projections, leather cloths, or wire straps. No officer shall carry such prohibited weapons while performing his or her duties as an officer. No officer shall alter his or

Centerville Police Department

Policy Manual

Control Devices and Techniques

her Department issued Monadnock Autolock or ASP Baton in any way except for the addition of the Hindi baton cap.

308.2.1 TRAINING AND CERTIFICATION

Officers must obtain proper training by successful completion of an approved certification course prior to carrying or using the Monadnock Autolock or the ASP Batons. The training course shall include instruction regarding criminal, civil, and moral obligations and liabilities. Certification shall require passing a written and practical examination with a score of 70% or higher.

Officers must be retrained and recertified annually by successful completion of an approved four to six hour recertification course. A lesson plan for training and criterion test for the use of Monadnock Autolock and the ASP Batons will be on file with the Department training officer and shall be updated annually.

308.2.2 USE OF IMPACT WEAPONS

- (a) Once trained and certified to carry and use the Monadnock Autolock or the ASP baton, each officer will be issued a Monadnock Autolock or the ASP Baton and will be responsible for the care, maintenance, and security of the weapon. It is recommended that officers wear the baton at all times while he or she is on-duty. In any case, the baton should be available to the officer at all times while he or she is on duty.
- (b) The Monadnock Autolock and the ASP Batons are intended to be used as a defensive weapon.
- (c) The Monadnock Autolock and the ASP batons should be used with discretion and in compliance with the Department policy regarding Use of Force. The batons will not be used for Carotid controls and unless there is a life or death situation, the batons will not be used for strikes or blows to the head or the neck of the suspect.
- (d) Any use of the Monadnock Autolock or the ASP Batons shall be reported in writing to the officer's immediate supervisor outlining the circumstances which necessitated its use, the effects on the offender that were caused by the Monadnock Autolock or the ASP Baton, and the first-aid measures given to or offered to the offender. A police report and Use of Force Report shall be prepared and filed in accordance with Department policy.

308.3 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain Department-issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.3.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.3.2 CARRYING OF OLEORESIN CAPSICUM (OC) SPRAY

Uniformed field personnel carrying the oleoresin capsicum (OC) spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the OC spray as authorized, consistent with the needs of their assignment, or at the direction of their supervisor.

Centerville Police Department

Policy Manual

Control Devices and Techniques

Canisters involved in any type of malfunction or damage shall be turned in to the Armorer for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.3.3 TREATMENT FOR OLEORESIN CAPSICUM (OC) SPRAY EXPOSURE

As soon as practical after an offender has been controlled by the use of Pepper Spray, the officer will:

- (a) Flush the offender's face and other affected areas with water if the offender is cooperative (offenders will not be forcibly decontaminated);
- (b) Expose the offender to fresh air if the offender is cooperative;
- (c) Have medical respond and offer first aid to the offender;
- (d) Transport the offender to a medical facility for treatment if necessary; and
- (e) Book the offender into jail or take other appropriate action.

308.3.4 REPORT OF USE

- (a) All intentional uses of Pepper Spray are required to be reported in writing to the officer's immediate supervisor and documented in a Use of Force Report and a police report including:
 - 1. All circumstances surrounding the use of the aerosol;
 - 2. Effects on the offender that were caused by the aerosol;
 - 3. Name, address, date of birth, and arrest charges for the offender; and
 - 4. First aid measures given to or offered to the offender to neutralize or alleviate the effects of the product.
- (b) All accidental uses of Pepper Spray are required to be documented in a written report to the officer's immediate supervisor and may later be required to be documented in an official police report.

308.3.5 TRAINING AND USE

- (a) **Training and Certification.** Officers must obtain proper training by successful completion of an approved certification course prior to carrying or using Pepper Spray. Officer must be retrained and recertified annually by successful completion of an approved recertification course.
- (b) **Use.** The governing factor in the use of Pepper Spray is whether its use is "reasonable and necessary." Pepper Spray may be used to prevent the use of more severe physical force or under the following circumstances:
 - 1. An officer is threatened with physical force and other means of controlling the offender are unreasonable or could cause injury to the offender, the officer, or others present;
 - 2. An officer is threatened by a dangerous animal; or
 - 3. The size or demeanor of an offender indicates that the officer or the offender would be endangered by the use of other physical force.

Centerville Police Department

Policy Manual

Control Devices and Techniques

308.4 RESPONSIBILITIES

308.4.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Shift Sergeant may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has the required training. The request for a control device should be made through the Shift Sergeant.
- (b) The Shift Sergeant shall review each use of control devices by any personnel within his/her command.
- (c) The Shift Sergeant shall ensure training on the use of control devices is provided as needed.

308.4.2 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

308.5 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to § 300.4 and 300.5.

TASER® Guidelines

309.1 PURPOSE AND SCOPE

The TASER® is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.1.1 DEFINITIONS

- (a) Advanced Taser Model X26 Electro-Muscular Disruption Device: A 26 watt, 50,000 volt, hand-held electro-muscular disruption device (hereinafter referred to as "Taser"). When applied to a subject, through touch or with nitrogen propelled barbs, the Taser distributes an electrical signal that overrides a subject's central nervous system causing temporary muscular incapacitation.
- (b) AFID: Small confetti-like ID tags that are ejected each time an air cartridge is fired from a Taser. Each AFID contains the serial number of the cartridge fired which can be used to identify to whom the cartridge was issued.

309.2 POLICY

Personnel who have completed Department-approved training may be issued a TASER for use during the current assignment. Personnel leaving a particular assignment may be expected to return it to the Department's inventory.

Officers shall only use the TASERs and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER in the driver's compartment of their vehicle.

- (a) When the TASER is carried as part of a uniformed officer's equipment, the TASER should be carried on the side opposite the duty weapon.
- (b) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (c) Whenever practicable, officers should carry a total of two or more TASER cartridges on their person when carrying a TASER.
- (d) Officers shall be responsible for ensuring that their issued TASER is properly maintained and in good working order at all times.
- (e) Officers should never hold both a firearm and the TASER at the same time.
- (f) No officer shall alter or repair any TASER. Repairs will be done by the TASER instructor or sent back to TASER International.

309.2.1 USE AND DEPLOYMENT GUIDELINES

- (a) **Weapon Classification.** The Taser is a defensive weapon listed in the "scale of force" provisions of the Use of Force Policy between physical strength and impact munitions.
- (b) **Functions.** The Taser functions in two ways described as follows:
 - 1. The Taser uses compressed nitrogen to project two probes a maximum of twenty-one feet (21'). An electrical signal is then sent to the probes, via small

Centerville Police Department

Policy Manual

TASER® Guidelines

wires, which temporarily override the central nervous system of the subject causing temporary muscular incapacitation.

2. The Taser can also act as a touch stun system when brought into direct contact with a person's body. When used in this manner, the Taser acts as a pain compliance instrument.

309.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER shall precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is for the following:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that a TASER may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER) or the laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER.

309.4 USE OF THE TASER

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that the application of the TASER is reasonable to subdue or control:

- (a) A violent or physically resisting subject.
- (b) A potentially violent or physically resisting subject if:
 1. The subject has verbally or physically demonstrated an intention to resist, and
 2. The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply, and
 3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
 4. The officer and/or the suspect are in danger of being harmed;
 5. A suspect resists arrest and the officer reasonably believes the use of force greater than physical is needed or that the necessary physical force will likely result in injury;
 6. The size and demeanor of the suspect creates a strong possibility of injury occurring to the officer, the suspect, or others; or

Centerville Police Department

Policy Manual

TASER® Guidelines

7. The officer is threatened by a dangerous animal. Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:
 - (a) Pregnant females.
 - (b) Elderly individuals or obvious juveniles.
 - (c) Individuals who are handcuffed or otherwise restrained.
 - (d) Individuals who have been recently sprayed with alcohol-based OC spray or who are otherwise in close proximity to any combustible material.
 - (e) Passively resisting subjects.
 - (f) Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).
 - (g) Use solely for punitive purposes or in an unjustified manner;
 - (h) To awaken unconscious or intoxicated individuals;
 - (i) When the subject is holding a firearm.
- (c) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER until they can be examined by paramedics or other medical personnel.
- (d) Because the application of the TASER in the Drive Stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The TASER shall not be used to torture, psychologically torment, or inflict undue pain on any individual.

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.

Centerville Police Department

Policy Manual

TASER® Guidelines

- (j) Risk of escape.
- (k) Other exigent circumstances.

309.4.2 REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report and on the TASER report form. Accidental discharges of a TASER cartridge will also be documented on the TASER report form. Any report documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

The on-board TASER memory will be downloaded through the dataport and saved with the related arrest/crime report.

309.4.3 TARGETING CONSIDERATIONS

While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

309.4.4 DEPLOYMENT CONSIDERATIONS

The following conditions and circumstances should be taken into consideration by each Officer when using or deploying the Taser.

- (a) Officers deploying the Taser should have a cover officer whenever possible.
- (b) Officers should consider the presence of cover and distance from the suspect. The Taser can only be deployed at distances of twenty-one feet (21') or less.
- (c) Officers should consider the suspect's clothing and probe trajectory when using the Taser. If the probe hits clothing, the electrical current can penetrate for a maximum of two and a quarter inches (2 1/4").
- (d) The target area for the Taser should be the subject's center of mass and from behind the subject if possible. Officers should avoid hitting the subject in sensitive tissue areas such as the head, face, neck, groin or female breast area.
- (e) The Taser is not intended to replace an Officer's firearm when deadly force is warranted.

309.4.5 MULTIPLE APPLICATIONS OF THE TASER

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on an individual.

Centerville Police Department

Policy Manual

TASER® Guidelines

309.4.6 MISUSE

Officers shall not draw or display the Taser (except for training) unless the circumstances create a reasonable belief that it may be necessary to use the Taser. The Taser will be handled in the same manner as a firearm and shall be secured prior to entering any detention facility. Horseplay with the Taser shall not be tolerated. Any reported incidents of horseplay or other misuse of the Taser will be investigated and disciplinary action taken if justified.

309.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only trained and qualified personnel, including certified paramedics, should carefully remove TASER darts from a person's body. Used TASER darts shall be considered a sharps biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts or who have been subjected to the electric discharge shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practical. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included in the report.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

309.6 TRAINING

In addition to the initial department-approved training required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant.

The Training Sergeant should ensure that all training includes the following:

Centerville Police Department

Policy Manual

TASER® Guidelines

- (a) Review of this policy.
- (b) A review of the Use of Force Policy § 300.
- (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest, and groin.
- (d) De-escalation techniques.

309.6.1 CARTRIDGE, AFID'S AND PROBES

Cartridge, AFIDs, and probes that are deployed against an individual shall be collected and booked into evidence, as provided in this Section. The appropriate "Biohazard" labels shall be placed on the packaging material so that the evidence technician is aware of the hazard and all biohazard handling protocols shall be followed. Protective gloves shall be used by the Officer handling the cartridge and probes. The wires shall be wrapped around the cartridge and the probes shall be inverted in the deployment portals and taped into place. Several AFIDs shall be collected from the scene and placed in a container that is also placed into evidence with the expended cartridge.

309.7 DOWNLOADING TASER INFORMATION

The department designee shall be required to ensure each Department TASER is downloaded annually to retrieve TASER® deployment information and to ensure the internal clock of the TASER is appropriately set. The TASER® deployment information should be kept electronically by the Department for a minimum of three years.

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

To establish the policy and process for the investigation of an incident in which a person is injured or fatally wounded as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Critical Incident Investigative Protocol for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or Lieutenant.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of any Department policy.

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings.

310.4.1 CENTERVILLE POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Centerville Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the City/County Attorney's Office.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Centerville Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the City/County Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

Centerville Police Department

Policy Manual

Officer-Involved Shooting

310.4.3 CENTERVILLE POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Centerville Police Department will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings.

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
CPD Officer in This Jurisdiction	CPD Investigators	City/County Attorney's Office	CPD Civil Liability Team	CPD Internal Affairs Unit
Allied Agency's Officer in This Jurisdiction	CPD Investigators	City/County Attorney's Office	Involved Officer's Department	Involved Officer's Department
CPD Officer in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	CPD Civil Liability Team	CPD Internal Affairs Unit

310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

310.5.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

Centerville Police Department

Policy Manual

Officer-Involved Shooting

- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
 - 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 - 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

310.5.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or designee.

310.5.3 INCIDENTS RESULTING IN DEATH OR INJURY OF A PERSON

Sergeant's Responsibilities. The Sergeant responding to the scene shall be responsible for the following duties:

- (a) Command and protection of the scene;
- (b) Notification of appropriate personnel, i.e., (Chief, City Attorney, City Manager, Mayor, County Attorney, Medical Examiner);
- (c) The scene will be protected by roping off the immediate area, if possible, and removing all unauthorized persons, including police officers not required at the scene;
- (d) The Shift Sergeant will determine when the officer involved is no longer needed and the commanding officer or the detective in charge will accompany the officer away from the scene; and
- (e) When the SHOOTING OF A PERSON by an officer has occurred, the officers weapon shall be secured by on-scene supervisor for placement in evidence, pending a disposition of the investigation. When a weapon has been surrendered, a replacement weapon shall be issued.

310.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Sergeant, Investigation Sergeant, and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media; and no involved officer shall make any comments to the press unless authorized by the Chief of Police or Lieutenant.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Centerville Police Department

Policy Manual

Officer-Involved Shooting

310.5.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Shift Sergeant should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to meet the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

310.5.6 ADMINISTRATIVE LEAVE; REINSTATEMENT (AFTER INITIAL INVESTIGATION)

When an officer fires a weapon resulting in the injury or death of another person, the officer will be relieved of duty without loss of pay until such time that a return to work is deemed appropriate.

This policy does not imply that the officer acted improperly. The officer will be relieved of duty by the Chief of Police who will make a report of the date and time of such action. This report will be part of the case under investigation.

- (a) While relieved of official police duties, the officer's duties will be determined by the administration.
- (b) The officer shall be available at all times for official interviews and statements regarding the case and shall be subject to recall for duty at any time.

Centerville Police Department

Policy Manual

Officer-Involved Shooting

- (c) The officer shall not discuss the case with anyone except the prosecuting attorney, personal attorney, and authorized Department personnel.
- (d) An assigned police psychologist will make recommendations to the administration regarding the officer's fitness to return to duty. The administration will review all available facts before the officer is returned to duty.
- (e) The Chief of Police, upon consideration of the investigation and the report from the Firearms Review Board will determine if disciplinary action is necessary and when the officer may be reinstated.
 - 1. The officer, if cleared, may be returned to full duty immediately.
 - 2. If disciplined, the officer will comply with the decision and will then be returned to full duty, unless the discipline is termination. An officer who is placed on disciplinary suspension shall not act in an official capacity as a police officer.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the investigative division supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the City/County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the City/County Attorney's Office.

All related Department reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of the Department to utilize the City/County Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the City/County Attorney's Office to prevent duplication of efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

Centerville Police Department

Policy Manual

Officer-Involved Shooting

- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

Centerville Police Department

Policy Manual

Officer-Involved Shooting

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with all Department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview(s).
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
 - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
 - 4. The officer shall be informed of all constitutional "*Miranda*" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (*Garrity* admonishment).
 - 5. The administrative interview shall be considered part of the officer's confidential personnel file.
 - 6. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department Use of Force Policy.
 - 8. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or designee shall approve all Department firearms before they are acquired and utilized by any employee of the Department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Armorer during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by an employee who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Sergeant. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.2.1 DUTY WEAPONS

The Department-issued duty sidearm for the Centerville Police Department is the Glock .40 caliber Semi-Automatic Pistol, Model 22 or Model 23. Department-approved shotguns may also be issued to Department members.

Firearms carried while in civilian clothing should be concealed from public view. This requirement shall not apply when an officer is in a police building. If circumstances dictate, the weapon may be in view, but the officer must wear his or her badge or ID in a conspicuous location.

All sidearms issued to members of this Department shall be loaded only with ammunition that is issued by the Department for that particular firearm. Under no conditions will any ammunition that is carried on or off-duty be modified in any way.

It shall be the responsibility of the Department Firearms Officer or Supervisor to ensure that all shotguns carried in police vehicles are clean and lightly oiled. This is to be completed immediately after use or as soon as possible thereafter.

312.2.2 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department's list of approved firearms.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

Centerville Police Department

Policy Manual

Firearms

- (e) The firearm shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as department-issue. If the caliber of the firearm is other than department-issue, the Chief of Police shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency, safe handling and that the firearm functions properly.
- (h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second firearm to the Armorer.

312.2.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm, other than the department-issued firearm, while off-duty, based on their authority as a peace officer will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the officer to submit the firearm to the Armorer for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.
- (e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Armorer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Armorer.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Armorer.
- (h) If any employee desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (i) Officers shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

312.2.4 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms during the officer's first scheduled qualification each year. Officers carrying personally-owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the

Centerville Police Department

Policy Manual

Firearms

Department shall be dispensed by the Armorer when needed in accordance with any established policy.

312.2.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer.
- (c) Any employee who discharges his/her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Sergeant prior to the end of shift. If the occurrence was off-duty, the officer shall file a written report as directed by the supervisor.
- (d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (f) Officers shall not use any automatic weapon, heavy caliber rifles, gas, or other types of chemical weapon (from the armory) except with approval of a supervisor.
- (g) Any weapon authorized by the Department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Department or Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Armorer will be immediately removed from service. If the weapon is the officer's primary duty weapon a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.
- (h) »Officers shall never brandish a firearm other than in the proper performance of duty. Weapons shall not be removed from their holsters in a police building or a public place except as required by performance of duty or for inspection by the Department Firearms Officer, Training Officer, or Chief of Police.

312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Centerville Police Department

Policy Manual

Firearms

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify semi annual with their duty weapon on an approved range course. The Armorer shall keep accurate records of semi annual qualifications, repairs, maintenance, training or as directed by the Training Sergeant. In addition to regular qualification schedules, the Armorer shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations including shoot, no-shoot situations. At least annually, all personnel carrying a firearm will receive training on the Department Use of Force Policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment, and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to qualify after remedial training.

312.5 ARMORER DUTIES

The range will be under the exclusive control of the Armorer. All members attending will follow the directions of the Armorer. The Armorer will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Armorer has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of the Department to verify proper operation. The Armorer has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his/her personal weapon and it will not be returned to service until inspected by the Armorer.

312.6 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally-owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance, and repair of such weapon.

Centerville Police Department

Policy Manual

Firearms

312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Armorer shall be the only person authorized to repair or modify any Department-owned weapon for which the Armorer is certified as an armorer.

All repairs and/or modifications of Department-issued weapons not performed by the Armorer must be approved in advance by the Armorer and accomplished by a Department-approved gunsmith who is certified to repair such firearm.

Any repairs or modifications to the officer's personally-owned weapon shall be done at his/her expense and must be approved by the Armorer.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.
- (e) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the Department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Officers flying while armed shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

Centerville Police Department

Policy Manual

Firearms

312.8 INTERSTATE CWL FOR PEACE OFFICERS

Full-time sworn and retired officers who desire to carry a concealed firearm in other states are required, pursuant to 18 United States Code 926 B and C (See: Policy Manual § 220), to meet the following conditions:

- (a) An active full-time officer shall carry his/her Department identification whenever carrying such weapon.
 - 1. A retired officer's identification must indicate that the retired officer has met the state's training and qualification standards within not less than one year prior to the date of issuance; or the officer must carry a written certification indicating he/she has met the necessary qualification standards.
- (b) Officers will remain subject to this and all other Department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
- (c) Officers may not be under the influence of alcohol or any intoxicating or hallucinatory drug, including prescription drugs, which would impair their ability to safely handle a firearm.
- (d) Officers must be aware that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or, that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authorities may not shield an officer from arrest and prosecution in such locally restricted areas.

Full-time sworn and retired peace officers from other states who carry a concealed firearm in Utah are required, pursuant to 18 United States Code 926 B and C, to meet the same conditions as described above, with the exception of subsection (b).

Vehicle Pursuit

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where a department policy would permit the initiation or continuation of a pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors in the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable, i.e. what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 DEFINITIONS

Definitions related to this policy include (Utah Code R728-503-2):

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Channelization - A technique similar to a roadblock, where objects are placed in the anticipated (or actual) path of a pursued vehicle with the intent of altering the vehicle's direction of travel.

Paralleling - Participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route.

Pursuit intervention - An attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police vehicle into contact with the

Centerville Police Department

Policy Manual

Vehicle Pursuit

pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - When deadly force is warranted the deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - When deadly force is warranted, establishing a physical impediment to traffic as a means of stopping a vehicle using actual physical obstructions or barricades.

Tire deflating device - Tire-deflating spikes utilized to deflate the suspect vehicle's tires.

Trailing - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment.

Vehicle pursuit - An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.

314.2 OFFICER RESPONSIBILITIES AND RESTRICTIONS

It shall be the policy of the Centerville City Police Department that a motor vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212(4) for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Utah Code 41-6a-212(6).

Officers shall not engage in a motor vehicle pursuit while there is a citizen occupant in the Department vehicle, including but not limited to family, suspects, arrestees, victims, complainants, witnesses, or non-sworn members of the Department. This prohibition applies whether or not the passenger has signed a waiver of liability.

314.2.1 WHEN TO INITIATE A PURSUIT

- (a) Officers in a department vehicle with operable emergency vehicle equipment and radio may initiate a vehicular pursuit when the following criteria are met (Utah Code R728-503-4):
 - 1. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
 - 2. The suspect operating the vehicle refuses to stop at the direction of the officer.
 - 3. The suspect's actions are such that failure to pursue would further enhance the danger presented to the public.
- (b) Department vehicles that do not possess operable emergency vehicle equipment and an operable police radio will not be involved in a pursuit. Factors that individually and collectively shall be considered in deciding whether to initiate or continue a pursuit are (Utah Code R728-503-4):
 - 1. The performance capabilities of the pursuit vehicle.
 - 2. The condition of the road surface upon which the pursuit is being conducted.
 - 3. The amount of vehicular and pedestrian traffic in the area.

Centerville Police Department

Policy Manual

Vehicle Pursuit

4. The weather conditions.
5. The offense for which the subject will be pursued.
6. Any potential or existing hazards.
7. Familiarity with the area and road.
8. Any other pertinent factors.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed above are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicles. Officers shall pull over to the side of roadway, stop and turn off all emergency lights.

In addition to the factors listed above the following factors should also be considered in deciding whether to terminate a pursuit (Utah Code R728-503-9):

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) The danger posed by the continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect.
- (e) Weather or traffic conditions substantially increase the danger of the pursuit beyond the benefit of apprehending the suspect.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) The pursuit is terminated by a supervisor.
- (h) The officer is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of the pursuit.
- (i) The violator is driving the wrong way on a limited access highway or one-way road.
- (j) Air support is available to track the suspect.

Pursuits will terminate at the state line, unless exigent circumstances exist.

314.2.3 TRAFFIC REGULATIONS DURING PURSUIT.

- (a) Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit.

Centerville Police Department

Policy Manual

Vehicle Pursuit

- (b) Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
- (c) Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
- (d) Officers shall operate their vehicles at speeds and in a manner in accord with weather and local conditions so that complete control of the vehicle is maintained at all times.
- (e) Officers shall act reasonably and with appropriate care for the safety of others in light of all circumstances. Consideration in any pursuit should be given to the density of traffic and population in the pursuit area, whether the pursuit area is rural or urban, the nature of the streets, the presence of school zones and pedestrians, the weather and visibility, and the urgency of apprehending the fleeing person.

314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles and, if warranted under the circumstances, a supervisor. However, the number of units involved will vary with the circumstances (Utah Code R728-503-5). An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

- (a) Vehicles without emergency equipment are generally prohibited from becoming involved in a pursuit.
- (b) All unmarked units will relinquish the primary or secondary role in a pursuit to a marked vehicle as soon as practicable (Utah Code R728-503-7).

314.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing vehicle will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons (Utah Code R728-503-7).

The pursuing officer shall activate headlights and all emergency equipment upon initiating a pursuit.

The pursuing officer shall immediately notify Dispatch that a vehicle pursuit has been initiated. Use of plain English transmissions is encouraged, rather than using the 10-code. As soon as practicable the officer shall provide Dispatch information including, but not limited to:

- (a) Unit identification.
- (b) Location, speed and direction of travel of the fleeing vehicle.
- (c) Description of the fleeing vehicle and license number, if known.
- (d) Number of known occupants.

Centerville Police Department

Policy Manual

Vehicle Pursuit

- (e) The identity or description of the known occupants.
- (f) Reason for initiating the pursuit.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary vehicle, the officer in the primary vehicle shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary vehicle or aircraft joining the pursuit as soon as practical.

314.3.3 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary vehicle should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary vehicle unless directed to assume the role of primary officer, or if the primary vehicle is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) Officers should generally not pursue a vehicle that is driving left of center (wrong way) on a roadway.
- (d) Officers shall notify the Utah Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary vehicle or a supervisor.

314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There shall be no paralleling of the pursuit route (Utah Code R728-503-7). Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain

Centerville Police Department

Policy Manual

Vehicle Pursuit

in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

314.3.6 PURSUIT TRAILING

In the event the initiating vehicle from this agency either relinquishes control of the pursuit to another vehicle or jurisdiction, that initiating vehicle may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air vehicle has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air vehicle should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. When reasonably possible, the supervisor shall not actually be engaged in the pursuit itself (Utah Code R728-503-6).

After being notified of a pursuit, a supervisor shall:

- (a) Ensure proper radio channels and procedures are in use.
- (b) Ensure tactics are in conformance with any policy of the Department.
- (c) Ensure only the necessary numbers of units are involved.
- (d) Ensure allied agencies are notified.
- (e) Consider aborting the pursuit if cause exists.
- (f) Consider air support availability and practicality.
- (g) Ensure post-incident notifications.
- (h) Ensure that proper written reports are completed and forwarded to the Sergeant (Utah Code R728-503-6).

The supervisor should proceed to the termination point of the pursuit and provide appropriate assistance and supervision at the scene, when practicable.

Centerville Police Department

Policy Manual

Vehicle Pursuit

314.4.1 SHIFT SERGEANT RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control, and termination of a motor vehicle pursuit and shall be in overall command.

The Shift Sergeant shall review all pertinent reports for content and forward to the Lieutenant.

314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of the Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel that is most accessible by participating agencies and units.

314.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch shall immediately advise a field supervisor of essential information regarding the pursuit (Utah Code R728-503-5).

Communications personnel also shall:

- (a) Receive and record all incoming information on the pursuit and the pursued vehicle.
- (b) Control all radio communications and clear the radio channels of all non-emergency calls.
- (c) Perform relevant record and motor vehicle checks.
- (d) Coordinate and dispatch back-up assistance and air support units under the direction of the field supervisor.
- (e) Notify concurrent and neighboring jurisdictions, where practicable, when the pursuit may extend into their location and specify whether involvement is needed.
- (f) If the pursuit enters a bordering state, that jurisdiction should be notified.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line (Utah Code R728-503-8). When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Centerville Police Department is no longer needed. Upon discontinuing the pursuit, the primary vehicle may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

Centerville Police Department

Policy Manual

Vehicle Pursuit

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a vehicle from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider:

- (a) The department's ability to maintain the pursuit.
- (b) Whether the circumstances are serious enough to continue the pursuit.
- (c) Whether there is adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) The safety of the pursuing officers.

As soon as practicable, a supervisor or the Shift Sergeant should review a request for assistance from another agency. The Shift Sergeant or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of the Department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Intervention techniques shall be used only when the officer reasonably believes it is possible to do so safely and when the law enforcement officers using them have received training in their use (UAC R728-503-7). Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

Centerville Police Department

Policy Manual

Vehicle Pursuit

314.7.1 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received department-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Channelization may be used to redirect or stop a pursued vehicle. The selection of the best method and area in each circumstance should be preceded by an evaluation of all factors surrounding the individual pursuit. The methods used should offer the greatest probability of success with the least likelihood of injury to the general public, the officer and the suspect.
 - 1. Officers may deliberately direct a vehicle into a given path or location (i.e., unpaved roadway, dead end road, away from populated areas or intersections) by using stationary objects (pylons, barricades, vehicles) placed in the current path of the pursued vehicle. This method also may be used to direct a pursued vehicle toward and across a hollow spike strip.
 - 2. Channelization is considered a forcible stop technique, but does not require the justification of deadly force.
- (b) The Pursuit Intervention Technique (PIT) is a forced rotational non-compliant vehicle stop. This technique should not be used if speeds exceed 45 mph, if any of the vehicle tires have been blown or flattened, or if the vehicle has had its tires damaged by a tire deflating device, unless deadly force is justified.
 - 1. This technique should only be used when all other reasonable means of apprehension have been considered and rejected as impractical, e.g., air support, allied agency assistance, tire deflating devices or boxing-in? when the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop? when the pursuing officer believes that the continued movement of the pursued vehicle would place others in danger of great bodily harm or death.
 - 2. Officers should use care and caution in selecting the location where the stop is to be made, so that any resulting danger can be minimized as much as possible.
- (c) Ramming a fleeing vehicle shall be done only when deadly force is warranted and after other reasonable tactical means at the officer's disposal have been exhausted. This tactic shall be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct officers in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act? that is a matter for the courts to determine by established law. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:
 - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
 - 2. The suspect is driving in willful or wanton disregard for the safety of persons or is driving in a reckless and life-endangering manner.

Centerville Police Department

Policy Manual

Vehicle Pursuit

- (d) The use of boxing-in as a technique for terminating pursuits is discouraged. Under ordinary circumstances, the potential hazard outweighs the probability of a successful stop of a violator. Therefore, this technique should only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.
 - 1. Boxing-in shall not be used at high speeds or in those circumstances where the pursued subject has demonstrated a willingness to assault an officer either with the vehicle or some other means, i.e., a firearm.
 - 2. Boxing-in shall not be used when it is necessary to use citizens to effect the maneuver.
- (e) The use of tire deflating devices should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle (consider if deadly force is justified), a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Roadblocks are prohibited unless the circumstances would warrant the use of deadly force. Roadblocks should only be established with a supervisor's approval. If a roadblock is established officers must:
 - 1. Allow the suspect vehicle reasonable stopping distance.
 - 2. Not place themselves or their vehicle in a position that would jeopardize the safety of the officers involved.
 - 3. Not place vehicles in a position that is not reasonably visible to the suspect.
 - 4. Reasonably ensure the safety of uninvolved pedestrians and motorists.

314.7.2 USE OF FIREARMS

An officer's discharge of a firearm at or from a moving vehicle shall follow this department's Use of Force Policy. An officer's decision to discharge a firearm at or from a moving vehicle shall first be authorized, when reasonably possible, by a supervisor (Utah Code R728-503-7).

314.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force which reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.7.4 FORCIBLE STOPS

- Forcible stops may be undertaken only when the officer or a supervisor has probable cause that the continued movement of the pursued vehicle would place others in imminent danger of great bodily harm or death; **and**

Centerville Police Department

Policy Manual

Vehicle Pursuit

- When the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the apparent risk of harm involved in making the forcible stop; **and**
- After all reasonable alternative means of apprehension have been considered and rejected as impractical or unsafe.

314.8 REPORTING AND REVIEW REQUIREMENTS

The primary officer shall complete the appropriate crime/arrest reports. A pursuit report should minimally contain:

- (a) Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
- (b) The violation that caused the pursuit to be initiated.
- (c) The identity of the officers involved in the pursuit.
- (d) The means or methods used to stop the suspect being pursued.
- (e) The charges filed with the court by the prosecuting attorney.
- (f) The conditions of the pursuit, including, but not limited to, all of the following:
 1. Duration
 2. Mileage
 3. Number of officers involved
 4. Maximum number of units involved
 5. Time of day
 6. Weather conditions
 7. Maximum speeds
- (g) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
- (h) Whether the pursuit involved multiple agencies.
- (i) How the pursuit was terminated.
- (j) After first obtaining available information, the supervisor shall promptly complete a supervisor's report, briefly summarizing the pursuit, to command staff. This memo should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit
 3. Involved units and officers
 4. Initial reason for pursuit
 5. Starting and termination points
 6. Disposition: arrest, citation, arrestee information if applicable
 7. Injuries and/or property damage
 8. Medical treatment
 9. Name of supervisor at scene
 10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted

Centerville Police Department

Policy Manual

Vehicle Pursuit

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

Officers shall not engage in a pursuit until they have successfully completed the department-sponsored Emergency Vehicle Operations (EVO) course. Officers shall also be required to attend an annual course that specifically covers any policy adopted by the Department regarding pursuits (Utah Code R728-503-10).

All department officers shall retain a current copy of the pursuit policy and shall refer to it as a basis for initiation, continuation, and termination of a pursuit (Utah Code 41-6a-212(4)(c)).

314.8.2 POLICY REVIEW

Each sworn employee of the Department shall certify in writing that he/she has received, read and understands this policy initially and upon any amendments.

314.8.3 MANDATORY COUNSELING

Any officer involved in a pursuit resulting in death or serious bodily injury to any person is required to attend a timely critical incident debriefing arranged by the Lieutenant of the involved officer.

The Lieutenant will also schedule a professional psychological counseling session for any officer directly involved in a pursuit resulting in death or serious bodily injury to any person. Attendance by the involved officer at this counseling session is mandatory.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Utah Code 41-6a-212(4). It incorporates the guidelines developed pursuant to Utah Code 41-6a-212(5) and established in Utah Code R728-503.

314.10 LEGAL DISCLAIMER

This policy is for Departmental use only and does not apply to any criminal or civil proceeding. This policy shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claim. Violations of this policy will form the basis of Departmental administrative sanctions only.

Roadblock Spikes and Stop Sticks

315.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish guidelines regarding the use of roadblock spikes and Stop Sticks.

315.2 POLICY

- (a) It is the policy of the Centerville Police Department to identify and apprehend violators of criminal law. Vehicle pursuits in which roadblock spikes or Stop Sticks may be used are necessitated by a subject's disregard for the law and the Department's concern for responsibility to apprehend such persons.
- (b) The use of roadblock spikes and Stop Sticks will be governed by sound professional judgment and the procedures outlined in this General Order.
- (c) Should allied agencies request to utilize Centerville Police Department's roadblock spikes or Stop Sticks, they are expected to comply with the contents of this General Order.

315.3 PROCEDURE

- (a) Circumstances permitting, assisting units will normally attempt to establish at least one location where a visible presence of a law enforcement officer or officers is apparent to the suspect. This will be done in an effort to make the suspect fully aware of law enforcement's command to stop and their attempts to apprehend.
- (b) Should the suspect fail to stop at the location set forth in Subsection (a), or if the pursuing officer or a supervisor has reason to believe that the continued movement of the pursued vehicle will place the driver and/or others in imminent danger of serious bodily harm or death then assisting units may utilize approved roadblock spikes in order to bring the suspect's vehicle to a stop.
- (c) The following criteria shall be met prior to the use of roadblock spikes or Stop Sticks:
 - 1. There is reasonable cause to believe the suspect has committed an offense to justify arrest of the suspect.
 - 2. The officer attempting to apprehend the suspect has given notice of command to stop the suspect by both means of a red light and a siren.
 - 3. The suspect has ignored the efforts and warnings obvious and visible to a reasonable person in the suspect's position.

315.3.1 CONSIDERATIONS

- (a) Officers involved in using roadblock spikes or Stop Sticks will consider the following prior to utilizing this equipment.
 - 1. Before utilizing roadblock spikes or Stop Sticks, officers should have received training on the use of roadblock spikes or Stop Sticks.
 - 2. Most effective location for the placement of roadblock spikes or Stop Sticks:
 - (a) Deployment locations should have reasonably good sight distance to enable the person deploying the roadblock spikes or Stop Sticks to observe the pursuit and other traffic as it approaches;

Centerville Police Department

Policy Manual

Roadblock Spikes and Stop Sticks

- (b) The person deploying the roadblock spikes or Stop Sticks should choose a location with natural barriers such as roadway overpasses, guardrails, or shrubbery. These barriers will conceal the person from the violator's view and allow deployment of the roadblock spikes or Stop Sticks in a relative position of safety;
 - (c) Traffic, construction, special events, and/or activities may create situations where the use of roadblock spikes or Stop Sticks would be inappropriate; and
 - (d) Weather conditions and time of day should be considered prior to deployment.
- 3. Position and vulnerability of the public, private property, other assisting units, and equipment.
- (b) Roadblock spikes or Stop Sticks should not be deployed to stop the following vehicles, unless continued movement of the pursued vehicles would result in an increased hazard to others:
 - 1. Any vehicle transporting hazardous materials;
 - 2. Any passenger bus transporting passengers;
 - 3. Any school bus transporting students;
 - 4. Any vehicle that would pose an unusual hazard to innocent parties; or
 - 5. Any two-wheel vehicles unless deadly force is justified.

315.3.2 DEPLOYMENT

- (a) Roadblock spike or Stop Sticks deployment plans shall include provisions for close coordination between pursuing units and the person deploying the spikes or Stop Sticks.
 - 1. When the decision is made to deploy the roadblock spikes or Stop Sticks, pursuing units will notify the person deploying the spikes or Stop Sticks as far in advance as possible of the necessity of their use.
 - 2. The person deploying the roadblock spikes or Stop Sticks shall be in position at a predetermined location in sufficient time for proper deployment. All pursuing units should be notified when the roadblock spikes or Stop Sticks are in place.
 - 3. The roadblock spikes or Stop Sticks will be deployed in accordance with the manufacturer's recommendations.
 - 4. After deploying the roadblock spikes or Stop Sticks, everyone at the scene should immediately seek protection.
 - 5. The person(s) deploying roadblock spikes or Stop Sticks is/are responsible for securing them immediately after use. This will include searching the immediate area where the spikes were used, collecting any spikes which may have become detached and properly maintaining, preparing for reuse, and storing the spikes.

315.3.3 REPORTING

- (a) A Centerville Police Department supervisor or designee will submit an Incident Report, as per Department policy, indicating the facts and circumstances surrounding the use of the roadblock spikes or Stop Sticks.
- (b) In addition, an evaluation of the incident will be provided by the first line supervisor.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.2 RESPONSE TO CALLS

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Utah Code 41-6a-212).

Responding with emergency lights and siren does not relieve the officer operating an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances. The use of any other warning equipment without emergency lights and siren does not provide any privilege under the law.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- (a) The officers call sign number
- (b) The location
- (c) The reason for the request and type of emergency
- (d) The number of units required

316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one vehicle should respond to an emergency call Code-3 unless the Shift Sergeant or the field supervisor authorizes an additional vehicle(s).

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, only one vehicle should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Shift Sergeant or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

Centerville Police Department

Policy Manual

Officer Response to Calls

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Shift Sergeant or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Shift Sergeant or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Sergeant, field supervisor, or Dispatch of the equipment failure so that another vehicle may be assigned to the emergency response.

Canine Program

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband, and to apprehend criminal offenders.

318.1.1 POLICY

It is the policy of the Centerville Police Department to establish and manage a Police Service Dog Program within the City Police Department to be used as a law enforcement tool. It is further the policy of the Police Department to utilize the capabilities of the Police Service Dog Program in the safest and appropriate manner and to keep the police service dog(s) and handler(s) trained to a high degree of proficiency.

318.1.2 DEFINITIONS

For purposes of this General Order, a "Police Service Dog Team," hereinafter "PSD Team," shall mean a properly trained and certified police service dog and handler approved by the City for the use in its Police Service Dog Program.

318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

318.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is

Centerville Police Department

Policy Manual

Canine Program

reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the canine is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 DEPLOYMENT OF PSD

- (a) PSD Teams are highly visible and potentially available in many different tactical and patrol situations. Some situations may lead to spontaneous use of the dog. Handlers should consider all factors before any deployment.
- (b) Dogs should not search off-lead except in felony situations.
- (c) The use of the PSD Team by the Centerville Police Department is not intended to and shall not be used as a deadly force. Rather, use of a PSD to control a suspect can reduce the need to use greater force in dealing with suspects. Use of a PSD in controlling suspects is intended to reduce potential danger or injury to police officers and citizens. In no instance will officers use force other than what is reasonable, necessary, and justified by the circumstances.
- (d) Unless it would otherwise increase the risk of injury or escape, two clearly audible warnings to announce that a canine will be released if the person does not come forth shall be made and a reasonable response period provided prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.
- (e) Reports. The PSD handler shall complete a report whenever the PSD Team is deployed.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause or in narcotics screening situations.

Centerville Police Department

Policy Manual

Canine Program

- (c) To search vehicles, buildings, bags, and any other articles deemed necessary.
- (d) A narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 SEARCH PLANNING

The PSD Team and the requesting officer(s) may comprise a search team. Before beginning a search, the PSD Team handler shall prepare and inform the search team of a general search pattern and plan. The search plan shall discuss and/or address the following:

- (a) Whether the search is on-lead or off-lead;
- (b) The handler will watch the dog;
- (c) The officers should provide protection for the handler when the PSD Team is apprehending a suspect;
- (d) Officers should stay within arms reach of the handler;
- (e) Officers should follow the directions issued by the handler;
- (f) In case of an altercation between the dog and the suspect or the handler and the suspect, the search team shall be prepared to act as directed by the handler;
- (g) The handler shall recall the dog when the suspect has ceased resistance;
- (h) Whenever the dog shows interest in an officer, the officer should stand still;
- (i) The dog is trained to protect the handler when the handler is physically jeopardized; and
- (j) After locating the suspect and recalling the dog, the officers shall be responsible for controlling the suspect.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should usually be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury, a Canine Use Report Form shall be completed and included with any related incident report.

Centerville Police Department

Policy Manual

Canine Program

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Department evidence procedures. It shall be the responsibility of the Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Sergeant.

Medical care for any injured canine shall follow the protocol established in § 318.6 et seq.

The injury will be documented on a Canine Use Report Form.

318.2.8 ASSIGNMENT OF PSD TEAM

- (a) A PSD Team is intended to be used by the Police Department as a law enforcement tool for the primary purpose of conducting searches for wanted persons, lost persons, evidence, and narcotics. Use of the PSD Team for search purposes is intended to greatly reduce the law enforcement manpower requirements in building or area searches and to enhance the possibility of locating suspects, lost persons, evidence, and narcotics. The PSD Team may be used to respond to search requests in incidents involving armed and unbarricaded suspects, including perimeter and building searches for possible suspects, but should not be deployed in situations involving armed or possibly armed and barricaded suspects.
- (b) During on-duty hours, the PSD Team should remain available for search requests, provided that when the PSD Team is not conducting searches, the Team shall respond to and assist in priority crimes-in-progress or crimes-just-occurred calls and may be used as a backup or to provide assistance to other officers of the Police Department as needed.

318.2.9 PSD TEAM RESPONSE

In responding to any search request, the PSD Team shall immediately respond to the requested search location, locate the person in charge, and obtain facts relating to the search. With the person in charge, the handler shall assess the situation and determine if the search meets the Police Department Policy guidelines for PSD deployment set forth herein. The decision to apply the PSD Team in any given situation shall be that of the PSD handler. If the PSD handler determines that the PSD Team should be used for the situation, the PSD handler shall have the primary responsibility for directing the search team and determining the most effective way to conduct the search. The use of a shotgun

Centerville Police Department

Policy Manual

Canine Program

by the search team or perimeter officers may be discouraged by the PSD handler if there exists a possibility of injury to the dog.

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the department shall go through the Shift Sergeant or the OIC.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Sergeant or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Centerville unless authorized by the Shift Sergeant or the OIC.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Chief or Lieutenant prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Chief or Lieutenant.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Centerville Police Department officer (currently off probation).
- (b) Reside in an adequately fenced, single-family residence (minimum five-foot high fence with locking gates).
- (c) Agree to be assigned to the position for a minimum of three years.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 OFF-DUTY CALL OUT

Off-duty Call Outs. The PSD Team may be required to be available for call-outs to assist law enforcement officers in primary purpose searches or other necessary duties, as deemed appropriate, on a 24 hour per day basis. Off-duty call out requests by the City shall be authorized and initiated by the Shift Sergeant or higher-ranking officer for authorization and initiation.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

Centerville Police Department

Policy Manual

Canine Program

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Department equipment under his/her control in a clean and serviceable condition.
- (c) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (d) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (e) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Shift Sergeant.
- (f) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Shift Sergeant.
- (g) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the Department policy on compensation for employees.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Shift Sergeant as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

Centerville Police Department

Policy Manual

Canine Program

Depending on the severity of the illness or injury, the canine should either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah POST standards in the Service Dog Program. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by Utah POST or other recognized and approved certification standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current Utah POST or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the Centerville Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Sergeant.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing Utah POST canine certification and, if cross-trained, other recognized and approved certification standards, shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

318.8 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Utah Administrative Code R156-37-305(2) exempts officers of the Department from licensing requirements under the Controlled Substance Act to the extent their official duties require them to possess controlled substances and:

- (a) They act within the scope of their enforcement responsibilities.

Centerville Police Department

Policy Manual

Canine Program

- (b) They maintain accurate records of controlled substances which come into their possession.
- (c) They maintain an effective audit trail.

318.8.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Centerville Police Department's evidence personnel or from allied agencies authorized by an appropriate court order to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested annually. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked metal boxes at all times except during training. The locked metal boxes shall be secured in the cab of the canine handler's assigned patrol vehicle, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.8.2 IMMUNITY

All duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution for narcotics possession (Utah Administrative Code R156-37-305(2)).

318.9 OWNERSHIP OF PSD

It is the policy of the Department to allow handlers to own their own PSD provided that an Agreement is entered into between the handler and the City regarding the use of the dog as part of the Department's PSD Program and guaranteeing use and maintenance of the dog in a safe and humane manner.

Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

320.2 POLICY

The Centerville Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by

Centerville Police Department

Policy Manual

Domestic Violence

a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigative division in the event that the injuries later become visible.

- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.

Centerville Police Department

Policy Manual

Domestic Violence

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

- (b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.

Centerville Police Department

Policy Manual

Domestic Violence

- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.9 LEGAL MANDATES AND RELEVANT LAWS

Utah law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

- (a) Officers responding to a domestic violence call shall arrest or issue a citation to a domestic violence offender if there is probable cause to believe an offense has occurred. The offense need not occur in the officer's presence (Utah Code 77-36-2.2(2)(a)).
- (b) An officer shall arrest a suspect whenever there is probable cause to believe that the suspect has violated any of the provisions of a court order or condition of release agreement and there is evidence the order has been served. The offense need not occur in the officer's presence (Utah Code 77-36-2.4(1)).
- (c) If an officer has probable cause to believe there will be continued violence against the victim or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the officer may not utilize the option of issuing a citation (Utah Code 77-36-2.2(2)(b)). Factors that may support the likelihood of a continuing offense include:
 - 1. A prior history of arrests or citations involving domestic violence.
 - 2. The suspect is violating a court order.
 - 3. The suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
 - 4. Victim statements that the suspect has a history of physical abuse toward the victim.
 - 5. Victim statements in which he/she expresses fear of retaliation or further violence should the suspect be released.
 - 6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.
- (d) In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to identify the predominant physical aggressor. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining the predominant aggressor, the officer shall consider (Utah Code 77-36-2.2(3)):
 - 1. Any prior complaints of domestic violence.
 - 2. The relative severity of injuries inflicted on each person.
 - 3. The likelihood of future injury to each of the parties.
 - 4. Whether one of the parties acted in self defense.

Centerville Police Department

Policy Manual

Domestic Violence

- (e) An officer may not threaten, suggest or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement (Utah Code 77-36-2.2(4)).
- (f) Whenever a suspect is released by this department, the releasing officer shall then make a reasonable effort to notify the victim of that release and shall transmit that information to the statewide domestic violence network (Utah Code 77-36-2.5(4)(a)).
- (g) An officer who does not make an arrest shall notify the victim of his/her right to initiate a criminal proceeding and of the importance of preserving evidence (Utah Code 77-36-2.2(5)(b)).
- (h) Whenever a complainant advises of the existence of a court order, the officer shall determine if a valid court order exists and use every reasonable means to enforce the order. The officer should determine whether the order is in the statewide domestic violence network (Utah Code 78B-7-113(1)) and/or:
 - 1. Whether a court order is on file with a law enforcement agency or whether the complainant has a copy of the court order in his/her possession.
 - 2. Whether proof of service or prior notice exists, whether the suspect was in court when the order was made or it was provided by a court ex parte.
 - 3. The terms of the court order that may be enforced against the suspect
- (i) In the event the suspect is no longer at the scene, officers shall document the incident for follow-up investigation.
- (j) If an arrest is made, the arresting officer shall provide the arrestee with written notice containing the following information (Utah Code 77-36-2.5(10)):
 - 1. The arrestee may not contact the victim before being released.
 - 2. The arrestee may not be released on bail, recognizance or otherwise prior to the close of the next court day following the arrest unless, as a condition of that release, the person is ordered by the court or agrees in writing that until the expiration of that time he/she will:
 - (a) Have no personal contact with the alleged victim.
 - (b) Not threaten or harass the alleged victim.
 - (c) Not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.
- (k) Notification of the penalties for violation of the court order or any agreement executed.
- (l) The date and time, absent modification by a court or magistrate, that the requirements expire.

320.9.2 REPORTS AND RECORDS

- (a) Reports on all incidents of domestic violence shall include (Utah Code 77-36-2.2):
 - 1. The officer's disposition of the case.
 - 2. The appropriate crime classification for domestic violence.
 - 3. Marital status of each of the involved parties.
 - 4. The relationship of the suspect to the victim.
 - 5. Whether or not an arrest was made.
 - 6. If no arrest was made, the report shall detail the grounds for not arresting.

Centerville Police Department

Policy Manual

Domestic Violence

7. If two parties are arrested, the report shall detail the grounds for arresting both parties.
- (b) The officer creating the report should provide the victim with the case number of the report. The case number may be placed in the appropriate space on the victim information handout provided to the victim. If the case number is not immediately available, the officer should explain to the victim how he/she can obtain the information at a later time.
- (c) The report shall be made available to the victim, upon request, at no cost (Utah Code 77-36-2.2(6)(d)).
- (d) The Records Manager shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred (Utah Code 77-36-2.2(6)(c)).
- (e) Until December 31, 2013, the Records Manager shall maintain records on the number of reported domestic violence-related calls, which shall include the marital status and social, familial or legal relationship of the suspect to the victim and whether an arrest was made. The Records Manager is also responsible for filing monthly statistical reports with the Department of Public Safety, as required (Utah Code 77-36-2.2(6)(b)).

Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Centerville Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Centerville Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

322.3.1 PAROLE SEARCHES

Absent a search warrant or other legal authority an officer may search the residence of a person on parole only after obtaining approval from a parole officer. In other circumstances where an officer stops a parolee and conducts a search of the parolee's person, personal

Centerville Police Department

Policy Manual

Search and Seizure

effects or vehicle, the officer shall notify a parole officer as soon as reasonably practicable after conducting the search (Utah Code 77-23-301(3)(a) and (b)).

Officers shall not request or conduct a parole search for the purpose of harassment (Utah Code 77-23-301(4)).

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practical to summon an officer of the same sex as the subject, the following guidelines should be followed:
 - 1. Another officer or a supervisor should witness the search.
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.4.1 COMMON AUTHORITY

- (a) The basic rule concerning consent to search is that any person who possesses common authority over or other sufficient relationship to the premises or effects sought to be inspected can give consent. The most frequent problems with this rule are solved by following the below listed exclusions:
 - 1. Landlords may not give consent to search a tenant's premises until abandonment by the tenant or eviction; and
- (b) Employers with reasonable suspicion and being reasonable in scope may give consent to search an employee's work area, to include file cabinets and desks.
 - 1. Generally, Utah courts have held that a parent may give consent to search a child's room in the home of the parent. Likewise, the parent may give consent to search a vehicle registered to the parent but driven by a minor child. However, a parent may not give consent to search his child's car if the car is registered in the child's name.
 - 2. Further, the courts have held that spouses, a roommate, or business partner who shares a premise can give consent to search common areas jointly shared by both persons. To possess the necessary common authority, the third party (spouse, roommate, etc.) must have both shared use of the premises and joint access or control. This consent does not extend to areas of another person's privacy or exclusive control.

Centerville Police Department

Policy Manual

Search and Seizure

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Executing a Search Warrant

323.1 PURPOSE AND SCOPE

The purpose of this General Order is to provide Department law enforcement officers with guidelines for the execution of a search warrant.

323.1.1 POLICY

It is the policy of the Centerville Police Department to:

- (a) Provide techniques to accomplish a thorough and legal search;
- (b) Observe the constitutional rights of the person(s) the warrant is being served upon;
- (c) Minimize the level of intrusion experienced by those who are having their premises searched;
- (d) Provide for the highest degree of safety for all persons concerned; and
- (e) Establish a record of the entire execution process.

323.2 DEFINITIONS

- (a) **Search warrant** - means an order issued by a magistrate in the name of the state and directed to a peace officer describing with particularity the thing, place, or person to be searched and the property or evidence to be seized by him or her and brought before the magistrate.
- (b) **Search site** - means the premises or person to be searched as explicitly stated in the search warrant.
- (c) **Search team** - means the law enforcement officers and supporting personnel taking part in the execution of a search warrant.
- (d) **Evidence collector** - means the member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- (e) **Supervising officer** - means the search team member most knowledgeable about the case and/or responsible for the investigation

323.3 GROUNDS FOR ISSUANCE

- (a) Property or evidence may be seized under Utah law pursuant to a validly issued search warrant if there is probable cause to believe it:
 - 1. Was unlawfully acquired or is unlawfully possessed;
 - 2. Has been used or is possessed for the purpose of being used to commit or conceal the commission of an offense; or
 - 3. Is evidence of illegal conduct.
- (b) A search warrant shall not be issued except upon probable cause supported by oath or affirmation particularly describing the person or place to be searched and the person, property, or evidence to be seized.
- (c) Request and issuance of a search warrant shall comply with all requirements and conditions of Utah Code Ann. §§ 77-23-201, et seq., regarding Search Warrants.

Centerville Police Department

Policy Manual

Executing a Search Warrant

323.3.1 PROCEDURES

(a) Time for Execution.

1. The search warrant shall be executed as soon as practicable after issuance but in no case more than ten (10) days from the date of issuance. Any search warrant not executed within this time frame shall be void and shall be returned to the court or magistrate as not executed.
2. The search warrant shall be executed in the daytime unless otherwise directed in the warrant by the issuing magistrate having heard affidavit or oral testimony stating a reasonable cause to believe a search is necessary in the night to seize property prior to it being concealed, destroyed, damaged, altered, or for other good reason.

(b) Preparation for Execution.

1. The approach to the search site shall be executed without sirens. If a surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.
2. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.
3. The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
4. The supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel including a review of the actual order of operations and procedures the search team will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate), and tactics and equipment to be used in the event of forced entry.
5. The search team should include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive armband, jacket, or some indicator of office.
6. All members of the search team should be equipped with body armor.

(c) Execution.

1. The search warrant shall be executed by the officer(s) mentioned in its directions. Such officer(s) may request other persons to assist in conducting the search.
2. The supervisory officer shall ensure that the entire search warrant execution process is documented from beginning to end and continued until the search team leaves the premises. A written record shall be supported by photographs, diagrams, and, if practical, a videotaping of the entire search site from start to finish.
3. When executing the search warrant, the officer shall notify persons inside the search site in a voice loud enough to be heard inside the premises that he or she is a police officer and has a warrant to search the premises and that he or she demands entry to the premises at once unless the officers are serving a "No-Knock Warrant," in which case notification and identification shall be made immediately upon entry.
4. An officer may use such force as is reasonably necessary to enter if:
 - (a) After announcing the authority and purpose of the entry, there is no response or the officer is not admitted with reasonable promptness; or

Centerville Police Department

Policy Manual

Executing a Search Warrant

- (b) Without notice of authority and purpose of the entry, if the magistrate issuing the warrant directs in the warrant that the officer need not give notice. The magistrate may only issue such a "No-Knock Warrant" upon proof, under oath, that the object of the search may be quickly destroyed, disposed of, or secreted (such as controlled substances) or that physical harm may result to any person if notice were given.
 - 5. Upon entry, the supervising officer shall ensure that a member of the search team conducts a security sweep of the search site.
 - 6. After the search site has been secured, the search team shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
 - 7. One person shall be designated as the evidence collector responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.
 - 8. When property is seized pursuant to a search warrant, the officer shall give a receipt to the person from whom it was seized or in whose possession it was found. If no person is present, the officer shall leave the receipt in the place where he or she found the property.
 - 9. If damage occurs during the search, a special report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of damage. If the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
- (d) Post Execution.
- 1. After execution of the warrant, the officer shall promptly make a verified return of the warrant to the magistrate and deliver a written inventory of anything seized, stating the place where it is being held.
 - 2. The officer seizing any property pursuant to the search shall be responsible for its safekeeping and maintenance until the court otherwise orders.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Centerville Police Department. However, any minor taken into custody shall then be released to the care of the minor's parent or other responsible adult, unless the minor's immediate welfare or the protection of the community requires the minor's detention (Utah Code 78A-6-112(3)(a)(ii)).

Willful failure to comply with provisions of juvenile detention laws is a class B misdemeanor (Utah Code 62A-7-201(5)).

324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Utah Code 78A-6-112 and 77-7-2.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights when being questioned.

Juveniles 14 years of age or older, may waive their constitutional rights and be interrogated or interviewed without receiving permission from the juvenile's parent, legal guardian, or an attorney (Utah Rule of Juvenile Procedure 26(e)).

For juveniles under 14-years of age, the interview or interrogation shall take place in the presence of the juvenile's parent, legal guardian, or attorney.

324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the Centerville Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. An individual taken into custody shall be processed as soon as practical. A minor may not be held in temporary custody by law enforcement any longer than is reasonably necessary to obtain the minor's name, age, residence, and other necessary information and to contact the minor's parents, guardian, or custodian (Utah Code 78A-6-112(4)(a)).

When a juvenile is taken into temporary custody, the following steps shall be taken by the arresting officer or the detective assigned to the case.

- (a) The officer shall without unnecessary delay notify the parents, guardian, or custodian of the juvenile in custody and provide the location where the juvenile is being held and the intended disposition (Utah Code 78A-6-112(3)(a)(i)).
- (b) Submit a completed report to the Shift Sergeant for approval.

Status offenders and abused or neglected children may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody at the station.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

- (a) Access to toilets and washing facilities.
- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer, or as directed by a supervisor.
- (c) Access to drinking water.
- (d) Privacy during visits with family, guardian, or lawyer.
- (e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one-hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.

324.3.2 NON-CONTACT REQUIREMENTS

Persons under 18-years of age, who are apprehended by any officer under any provision of state law, may not be confined in jails, lockups, or cells used for persons 18-years of age or older who are charged with crime, or in secure post-adjudication correctional facilities, except as provided by specific statute and in conformance with standards approved by the Juvenile Justice System Board (Utah Code 62A-7-201(1)).

Minors charged by information or indictment with crimes as a serious youth offender under Utah Code 78A-6-702 or certified to stand trial as an adult pursuant to Utah Code 78A-6-703 may be detained in a jail or other place of detention used for adults (Utah Code 62A-7-201(2)(a)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners.
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, a Centerville Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
 - 1. Booking.
 - 2. Medical screening.
 - 3. Inmate worker presence while performing work necessary for the operation of the Centerville Police Department such as meal service and janitorial service.
 - 4. Movement of persons in custody within the Centerville Police Department.

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody and detentions of juveniles brought to the Centerville Police Department.

324.4.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility. However, the

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video, or other electronic devices does not replace constant personal visual supervision.

324.4.2 SECURE CUSTODY

A juvenile may be held in secure detention in the jail if the juvenile is 14-years of age or older and, in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14-years of age or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others shall not be placed in secure detention but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met.

- (a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
 - 1. Age, maturity and delinquent history of the juvenile.
 - 2. Severity of the offense(s) for which the juvenile was taken into custody.
 - 3. Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative.
 - 4. The availability of staff to provide adequate supervision or protection of the juvenile.
 - 5. The age, type, and number of other individuals who are detained in the facility.
- (b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - 1. Juvenile is 14-years of age or older.
 - 2. Juvenile is taken into custody on the basis of having committed a felony.
 - 3. Detention at this facility does not exceed two-hours from the time of arrival at the police station when both secure and non-secure time is combined.
 - 4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to a juvenile detention facility.
 - 5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:
 - (a) Age, maturity, and delinquent history of juvenile.
 - (b) Severity of offense for which the juvenile was taken into custody.
 - (c) Juvenile's behavior.
 - (d) Availability of staff to provide adequate supervision or protection of the juvenile.
 - (e) Age, type, and number of other individuals detained at the facility.

324.4.3 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

1. Parent or legal guardian.
 2. An adult member of his/her immediate family.
 3. An adult person specified by the parent/guardian.
 4. An adult person willing to accept responsibility when the juvenile's parents are unavailable as approved by the Shift Sergeant.
- (b) Before the minor is released, the parent or other person taking custody of the minor shall be required to sign a written promise to bring the minor to the court at the specified date and time (Utah Code 78A-6-112(30(d))).
1. Minors who are alleged to have committed an act which would be a criminal offense if committed by an adult may be detained in holding rooms in local law enforcement facilities for a maximum of two-hours for identification or interrogation or while awaiting release to a parent or other responsible adult (Utah Code 62A-7-201(4)).
- (c) If the minor is not released with a written citation and promise to appear, the minor shall be taken to a place of detention or shelter without unnecessary delay (Utah Code 78A-6-112(4)(b)).
1. The officer who takes a minor to a detention or shelter facility shall promptly file with the detention or shelter facility a written report on a form provided by the state stating the details of the presently alleged offense, the facts which bring the minor within the jurisdiction of the juvenile court, and the reason the minor was not released by the Department (Utah Code 78A-6-112(5)(a)).
- (d) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 2. If the arresting officer or the Shift Sergeant believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
 3. The arresting officer may complete an Application for Petition Form on behalf of the juvenile and forward it to the Investigation division for processing.
 4. The juvenile may be transferred to a juvenile detention facility with authorization of the appropriate supervisor or the Shift Sergeant and approval from the facility intake officer.
- (e) If a juvenile is to be transported to a juvenile detention facility, the following forms shall accompany the juvenile:
1. Application for Petition.
 2. Three copies of the applicable reports for each juvenile transported. In certain cases a juvenile detention facility may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
 3. Any personal property taken from the juvenile at the time of detention.
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Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

- (f) The juvenile detention facility will immediately review the forms provided by the officer and determine, based on the guidelines for detention admissions established by the Division of Juvenile Justice Services under Utah Code 62A-7-202, whether to admit the minor to secure detention, admit the minor to home detention, place the minor in a placement other than detention, or return the minor home upon written promise to bring the minor to the court at a time set or without restriction (Utah Code 78A-6-112(5)(b)(i)).

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 - 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 - 2. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
 - 3. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile or an adult who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.
- (d) If the student to be interviewed or interrogated is **under 14 years of age**, one of the parents of the child shall be contacted and requested to meet the officer at the school and be present during the interview. If the parent wishes to grant the officer permission to interview or interrogate the child without the parent being present, the

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

interview will be conducted in the presence of a school official. Before any interview or interrogation the child must be advised of his or her rights per Miranda.

- (e) Miranda is a requirement when the person being interviewed or interrogated becomes the focus of the investigation, there is police presence, and the person does not feel free to leave.

324.6 RELEASE OF INFORMATION CONCERNING MINORS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a minor. Juvenile record disclosures are governed by Utah Code, Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and the Federal Family Educational Rights and Privacy Act (Utah Code 78A-6-112(3)(b)(iii)).

If the minor is taken into custody or detention for a violent felony, as defined in Utah Code 76-3-203.5, or an offense in violation of Utah Code, Title 76, Chapter 10, Part 5, Weapons, the officer taking the minor into custody shall, as soon as practicable or as established under Utah Code 53A-11-1101(1), notify the school superintendent of the district in which the minor resides or attends school for the purposes of the minor's supervision and student safety (Utah Code 78A-6-112(3)(b)).

- (a) The notice shall disclose only:
 - 1. The name of the minor.
 - 2. The offense for which the minor was taken into custody or detention.
 - 3. If available, the name of the victim, if the victim:
 - (a) Resides in the same school district as the minor.
 - (b) Attends the same school as the minor.
- (b) The notice shall be classified as a protected record under Utah Code 63G-2-305.

Officers shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6.1 RELEASE OF INFORMATION BY COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

Only information authorized by law will be released to other agencies. It shall be the responsibility of the Records Manager and the appropriate Detective Supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Shift Sergeant shall be notified of the need for medical attention for the juvenile.

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first-aid care prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury, or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) The Juvenile Court.
- (b) The parent, guardian, or person standing in place of the parents of the juvenile.

324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Shift Sergeant if he/she believes the juvenile may be a suicide risk. The Shift Sergeant will then arrange to contact a mental health team for evaluation or to contact a juvenile detention facility and arrange for the transfer of the juvenile providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.7.3 USE OF RESTRAINT DEVICES

§ 306 refers to the only authorized restraint device. It is the policy of the Department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) Is a serious and immediate danger to himself/herself or others.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed and to ensure the safety and well-being of the juvenile.

The Shift Sergeant shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment or as a substitute for treatment.

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

324.7.4 DISCIPLINE OF JUVENILES

Employees are prohibited from administering discipline to any juvenile.

324.7.5 DEATH OF A JUVENILE WHILE DETAINED

The City/County Attorney's Office and the Medical Examiner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Support Services Sergeant or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Centerville Police Department, the following shall apply:

- (a) Upon receipt of a report of death of a juvenile from the Chief of Police or his/her designee the Juvenile Justice Services Board (JJS) may inspect and evaluate the juvenile facility, jail, lockup, or court holding facility.
- (b) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 1. Chief of Police or his/her designee.
 2. The health administrator.
 3. The responsible physician and other health care and supervision staff who are relevant to the incident.

324.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.

324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Centerville Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated to the level of being unable to care for himself/herself.
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. For example, a juvenile who has ingested one or two beers would not normally meet this criterion.

Centerville Police Department

Policy Manual

Temporary Custody of Juveniles

- (a) A juvenile detained and brought to the Centerville Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
 - 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 - 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 - 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Centerville Police Department and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
 - 1. The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Shift Sergeant's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Centerville Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Utah Code 76-5-111).

Abandonment - Any knowing or intentional action or inaction, including desertion, by a person or entity acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter or medical or other health care (Utah Code 76-5-111(1)(a)).

Abuse - Attempting to cause harm, intentionally or knowingly causing harm or intentionally or knowingly placing another in fear of imminent harm and includes (Utah Code 76-5-111(1)(b)):

- Unreasonable or inappropriate use of physical restraint, medication or isolation that causes or is likely to cause harm to a vulnerable adult, which is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult.
- Emotional or psychological abuse.
- Sexual offense as described in Utah Code 76-5-101 et seq.
- Deprivation of life sustaining treatment, except as provided in Utah Code 75-2a-101 et seq., or when informed consent, as defined in Utah Code 76-5-111, has been obtained.

Caretaker - Any person, entity, corporation or public institution that assumes the responsibility of providing a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care or other necessities. Caretaker includes a relative by blood or marriage, a household member, a person who is employed or who provides volunteer work, or a person who contracts or is under court order to provide care (Utah Code 76-5-111(1)(d)).

Elder abuse - Abuse, neglect or exploitation of an elder adult (Utah Code 76-5-111(1)(b)). An adult is not considered abused, neglected or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, non-medical forms of healing in lieu of medical care.

Elder adult - Any person 65-years of age or older (Utah Code 76-5-111(1)(f)).

Emotional or psychological abuse - Intentional or knowing verbal or nonverbal conduct directed at a vulnerable adult, including ridiculing, intimidating, yelling, swearing, threatening, isolating, coercing, harassing or other forms of intimidating behavior that result or could result in the vulnerable adult suffering mental anguish or emotional distress,

Centerville Police Department

Policy Manual

Elder Abuse

including fear, humiliation, degradation, agitation, confusion or isolation (Utah Code 76-5-111(1)(i)).

Exploitation - A person commits the offense of exploitation of a vulnerable adult when the person:

- Is in a position of trust and confidence or has a business relationship with the vulnerable adult and knowingly, by deception or intimidation, obtains or uses or endeavors to obtain or use, the vulnerable adult's funds, credit, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult.
- Unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult.
- Involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.
- Commits sexual exploitation of a vulnerable adult (Utah Code 76-5-111(4)).

Harm - Pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, serious physical injury, suffering or distress inflicted knowingly or intentionally (Utah Code 76-5-111(1)(i)).

Neglect - Any of the following:

- Failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care or dental, medical or other health care.
- Failure to provide protection from health and safety hazards or maltreatment.
- Failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise.
- A pattern of conduct by a caretaker without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating or other services necessary to maintain the vulnerable adult's well-being.
- Knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult.
- Self-neglect by the vulnerable adult (Utah Code 76-5-111(1)(i-v)).
- Abandonment by a caretaker (Utah Code 76-5-111(1)(a)).

Vulnerable adult - An elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to:

- Provide personal protection.
- Provide necessities, such as food, shelter, clothing or mental or other health care.
- Obtain services necessary for health, safety or welfare.

Centerville Police Department

Policy Manual

Elder Abuse

- Carry out the activities of daily living.
- Manage the adult's own resources.
- Comprehend the nature and consequences of remaining in a situation of abuse, neglect or exploitation (Utah Code 76-5-111(1)(t)).

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Utah Code 76-5-111.1, the Centerville Police Department is considered a mandated reporter. Employees investigating elder and vulnerable adult abuse shall contact Adult Protective Services within the Department of Human Services, Division of Aging and Adult Services. When the initial report is made to an officer or the Department, the officer or the Department shall immediately notify Adult Protective Services intake. Adult Protective Services and the Department shall coordinate, as appropriate, their investigations and provide protection to the vulnerable adult as necessary.

326.3.1 INVESTIGATOR RESPONSIBILITY

The investigator is responsible for the following:

- (a) Providing a copy of the investigative report to Adult Protective Services, if requested. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retaining the original vulnerable adult abuse report with the initial case file.

326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected elder and vulnerable adult abuse shall be fully investigated and appropriately documented. An officer who is required to report suspected abuse, neglect or exploitation of a vulnerable adult and who willfully fails to do so, is guilty of a class B misdemeanor (Utah Code 76-5-111.1(3)(a)).

326.4.1 INITIAL RESPONSE

Officers may be called upon to make a forced entry as the first responder to the scene of a suspected vulnerable adult abuse report. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

Centerville Police Department

Policy Manual

Elder Abuse

- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of the alleged abuser (especially when he/she is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Adult Protective Services personnel
- Ombudsman may be called by the officer or Adult Protective Services if the abuse occurred in a long-term care facility.

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse.

An officer may remove and transport, or cause to have transported, a vulnerable adult to an appropriate medical or shelter facility if the officer has probable cause to believe that by reason of abuse and/or neglect there exists emergency exigent circumstances and:

- (a) The vulnerable adult will suffer serious physical injury or death if not immediately placed in a safe environment.
- (b) The vulnerable adult refuses to consent or lacks capacity to consent.
- (c) There is not time to notify interested parties or to apply for a warrant or other court order.

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting vulnerable adult abuse cases, the following information should be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and who are on-scene

Reporting cases of vulnerable adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers investigating the abuse of a vulnerable adult shall complete all appropriate Department and state forms.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy creates a legal or employment right or duty that is not created by law.

328.2 POLICY

The Centerville Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect (Utah Anti-Discrimination Act, Utah Code, Title 34A, Chapter 5).

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an employee's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating an employee or applicant differently or engaging in acts of reprisal or intimidation against the employee or applicant because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Centerville Police Department

Policy Manual

Discriminatory Harassment

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Utah Anti-Discrimination and Labor Division.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Assistant City Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

Centerville Police Department

Policy Manual

Discriminatory Harassment

- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief of Police or Assistant City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations.

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

Centerville Police Department

Policy Manual

Discriminatory Harassment

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Assistant City Manager, or the City Manager.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, City Manager or the Assistant City Manager if more appropriate.
- Maintained for the period established in the department's records retention schedule.

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

Centerville Police Department

Policy Manual

Discriminatory Harassment

328.9 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Assistant City Manager, or the City Manager, or they may contact the Utah Anti-Discrimination and Labor Division and/or the EEOC.

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent shall not, for that reason alone, be considered to have committed child abuse (Utah Code 76-5-109(6)).

It is not child abuse if a parent or guardian of a child selects a treatment option for the medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.

A person is not guilty of child abuse for conduct that constitutes:

- (a) Reasonable discipline or management of a child, including withholding privileges.
- (b) Conduct described in Utah Code 76-2-401.
- (c) The use of reasonable and necessary physical restraint or force on a child:
 - 1. In self-defense.
 - 2. In defense of others.
 - 3. To protect the child.
 - 4. To remove a weapon in the possession of a child for any of the reasons described above.

330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - Means a person under 18-years of age.

Child Abuse - Any person who inflicts upon a child serious physical injury or, having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child or; any person who commits an act of domestic violence in the presence of a child (Utah Code 76-5-109 et seq.).

Law Enforcement Officer - Means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions (Utah Code 53-13-103(1)).

330.3 CHILD ABUSE REPORTING

All employees of the Department are responsible for the proper reporting of child abuse. Any employee who encounters any child whom he/she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report. Willful failure to report suspected child abuse, child sexual abuse or neglect, is a class B misdemeanor (Utah Code 62A-4a-411). The officer shall also ensure that the appropriate

Centerville Police Department

Policy Manual

Child Abuse Reporting

office of the Department of Human Services, Division of Child and Family Services is promptly notified (Utah Code 62A-4a-403(1)(b)).

330.3.1 MANDATORY NOTIFICATION

Investigations of any report or allegation of abuse or neglect of a child that allegedly occurs while the child is living in substitute care in the protective custody, temporary custody, or custody of the state or county shall be conducted by a law enforcement officer (Utah Code 62A-4a-202.5).

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.

330.3.2 POLICE REPORTS

Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No suspected child abuse report is required if the incident is documented in a general or miscellaneous report.

330.3.3 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to law (Utah Code 62A-4a-412) and Policy Manual § 810.

330.4 INVESTIGATION RESPONSIBILITY

The duties of the detectives assigned to investigate child abuse include, but are not limited to:

- (a) Responsibility for the investigation, the collection of evidence and preliminary preparation for prosecution of all cases of child abuse and molestation.
- (b) Investigating the deaths of children that could be attributed to abuse or molestation.
- (c) Investigating any instance of Sudden Unexplained Infant Death (SUID).
- (d) Investigating reports of unfit homes, child abandonment, child endangering or neglect.
- (e) Providing follow-up compliance calls on reports of suspected child abuse.
- (f) Providing appropriate training to patrol personnel.
- (g) Coordinating with other enforcement agencies, social service agencies and school administrators in the application and enforcement of the laws regarding child abuse cases.

330.5 PHYSICAL EXAMINATIONS

If the child has been the victim of sexual abuse requiring a medical examination, the officer should arrange for transportation of the victim to the appropriate hospital. The officer shall prepare and fill out any required reports.

330.6 TEMPORARY CUSTODY OF JUVENILES

- (a) An officer may not enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless (Utah Code 62A-4a-202.1(1)):

Centerville Police Department

Policy Manual

Child Abuse Reporting

1. There exist exigent circumstances sufficient to relieve the officer of the requirement to obtain a warrant.
 2. The officer obtains a search warrant under Utah Code 78A-6-106(3).
 3. The officer obtains a court order after the parent or guardian of the child is given notice and an opportunity to be heard.
 4. The officer obtains the consent of the child's parent or guardian.
- (b) The court may issue a warrant authorizing an officer to search for a child and take the child into protective custody if it appears to the court upon a verified petition, recorded sworn testimony or an affidavit sworn to by an officer or any other person, and upon the examination of other witnesses, if required by the judge, that there is probable cause to believe that:
1. There is a threat of substantial harm to the child's health or safety.
 2. It is necessary to take the child into protective custody to avoid substantial harm to the child's health or safety.
 3. It is likely that the child will suffer substantial harm if the parent or guardian of the child is given notice and an opportunity to be heard before the child is taken into protective custody.
- (c) An officer making the search may enter a house or premises by force, if necessary, in order to remove the child (Utah Code 77-23-210). The person executing the warrant shall then take the child to the place of shelter designated by the court or the division.
- (d) Any officer who takes a child into protective custody shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the parents, including a non-custodial parent, the guardian, or responsible relative (Utah Code 62A-4a-202.1).
- (e) The officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the minor or result in abduction. If this is not a reasonable option, the officer shall ensure the minor is delivered to the appropriate child welfare authority.
- (f) Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

330.7 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.7.1 SUPERVISOR RESPONSIBILITIES

The investigative division supervisor should:

- (a) Work with professionals from the appropriate agencies, including the Utah Division of Child and Family Services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

Centerville Police Department

Policy Manual

Child Abuse Reporting

- (b) Activate the interagency response when an officer notifies the investigative division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.7.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the investigative division supervisor so an interagency response can begin.

Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing or endangered persons. The Department will not require any reporting party to wait any period of time before reporting that a person is missing.

The Department will institute or assist with appropriate search and investigative procedures and maintain close liaison with Utah Department of Public Safety, Bureau of Criminal Identification (BCI) and or the National Center for Missing and Exploited Children for the exchange of information and technical assistance in missing children cases (42 USC 5780(1)).

332.1.1 DEFINITIONS

Endangered person - A person missing under unexplained or suspicious circumstances believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, or who may be in the company of a potentially dangerous person, or any other factor that may put the person in danger.

Missing - A person who is abducted by a stranger or acquaintance; is abducted by a parent or relative due to custody disputes or who has run away, become lost, or has been abandoned by the lawful custodian or parent.

Missing child - Any person under the age of 18 years who is missing from his/her home environment or a temporary placement facility for any reason, and whose location cannot be determined by the person responsible for the child's care (Utah Code 53-10-102(15)).

Missing person - A person who is missing from his/her home environment and is physically or mentally disabled; missing under circumstances that indicate that the person is endangered, missing involuntarily or a victim of a catastrophe (Utah Code 26-2-27(1)(c)).

332.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person a person who may be missing under special circumstances, the investigative division will begin an investigation after an initial search by patrol personnel.

In all cases involving suspicious circumstances or a child under 16-years of age, the handling employee shall ensure that the Shift Sergeant and appropriate investigative division supervisor shall be notified.

Centerville Police Department

Policy Manual

Missing Person Reporting

332.2.1 INVESTIGATION DILIGENCE

Members of the Department shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. The required actions include the following:

- (a) Make an assessment of reasonable steps to be taken to locate the person.
- (b) If the missing person is under 18 years of age, or there is evidence the person is endangered, the Department shall broadcast over the radio an "attempt to locate" transmission without delay within this jurisdiction.
- (c) The missing person's family members should be given the Utah Missing Person Hotline phone number (888-770-6477) and informed that the missing person's information may be posted on the Utah Department of Public Safety website by visiting the website and completing the Missing Person Waiver form (<http://publicsafety.utah.gov/bci/missingpersons.html>).

Family members should also be advised that the National Center for Missing and Exploited Children may be contacted for regular follow-up. The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken. However, Department members may assist in the investigation of a person who was last seen in this jurisdiction.

Investigating officers may contact the Department of Corrections for assistance when a kidnapping or sex-related crime is suspected. The Department of Corrections is required to operate a system to collect, analyze, maintain and disseminate offender information and assist in these investigations (Utah Code 77-27-21.5).

332.3 REPORT HANDLING

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Centerville Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Center shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen (Utah Code 53-10-204).

332.3.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21 years, Records Center personnel shall send a teletype to the Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. § 5779(a) and 42 U.S.C. § 5780(3)).

When the missing person is under the age of 18 years, Records Center personnel shall send a teletype to Utah Bureau of Criminal Investigation (BCI) and the National Crime Information Center within two hours after receiving the report (42 U.S.C. § 5780).

332.3.3 SUSPICIOUS CIRCUMSTANCES

If a person is missing under suspicious circumstances for more than 14 days, the handling detective shall immediately submit to the dentist, physician/surgeon or medical facility the signed request for dental or skeletal X-rays or both.

Centerville Police Department

Policy Manual

Missing Person Reporting

In all cases the handling detective may confer with the Medical Examiner and may submit reports including the dental/skeletal X-rays within 24 hours to the Department of Justice.

332.3.4 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the detective should check with the appropriate medical examiner. The assigned detective should verify and update the required missing person databases, in accordance with 42 USC § 5780(4)(a), within 45 days of the original entry of the missing person and 45 days thereafter until the missing person is located. The initial follow-up entry shall not exceed 60 days from the date of original entry.

The assigned detective must also make reasonable efforts to locate the missing person and document these efforts with a supplemental report at least every 45 days. These reasonable efforts will include maintaining a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21.

332.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

If a missing person under 21 is located, the detective must ensure that Utah BCI is notified so the flag on the missing person can be removed from the school records and birth certificate records (Utah Code 26-2-27(2)(b)).

When all other missing persons are located, the detective (if the case has been assigned) must ensure that a teletype is sent within seven days to the Department of Justice noting that information. If no detective has yet been assigned Records Center personnel shall be responsible for sending the information.

332.5 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

The following procedures shall be completed based upon the type of missing person:

(a) Missing child under 21 years:

1. Place entry into DPS/NCIC within 2 hours
2. Send BOLO teletype without delay
3. Check with the Medical Examiner Office within 24 hours
4. Complete and send the Utah Missing Person Clearinghouse waiver within 24 hours
5. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse within 24 hours
6. Obtain and send a recent photograph of the missing child to Utah DOJ and to the Utah Missing Person Clearinghouse within 24 hours

(b) Missing endangered person:

1. Place entry into DPS/NCIC without delay
2. Send BOLO teletype without delay
3. Promptly initiate an Endangered Missing Person Advisory if appropriate and the criteria and is met
4. Check with the Medical Examiner Office immediately after 45 days missing

Centerville Police Department

Policy Manual

Missing Person Reporting

5. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing
- (c) Missing adult 21 years or older:
1. Place entry into DPS/NCIC within 4 hours
 2. Send BOLO teletype without delay
 3. Check with the Medical Examiner Office immediately after 45 days missing
 4. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing

332.6 SCHOOL NOTIFICATION

Utah Code 53-10-203(3) requires the Utah Bureau of Criminal Identification (BCI) to notify the last-known school of the missing person. The school will flag a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Utah Code 53A-11-502).

332.7 DNA SAMPLE COLLECTION

- (a) In any case in which a report is taken concerning a person missing under suspicious circumstances, the assigned detective shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available.
- (b) Such samples shall be collected in a manner prescribed by the Department of Public Safety, using a Family Reference Sample Collection Kit. Officers can contact the BCI Clearinghouse for additional information at 801-965-4686. Samples will be submitted to [The University of North Texas Health Science Center](#).
- (c) After 30 days, the reporting officer or assigned detective shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

AMBER Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Centerville Police Department should notify their supervisor, Shift Sergeant or investigative division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Sergeant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Sergeant

334.4 AMBER ALERTS

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement. The AMBER Alert Plan is tested every year on January 13th and August 26th.

The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies or practices.

Centerville Police Department

Policy Manual

AMBER Alerts

334.4.1 CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria. The Department may consider issuing an Endangered Missing Person Advisory to inform law enforcement and the public about cases that don't meet the criteria for an AMBER Alert.

The four criteria required for an AMBER Alert are as follows:

- (a) A confirmed abduction (non-family, non-custodial).
- (b) The child is 17-years of age or younger.
- (c) There is evidence the child is in danger of serious bodily harm or death.
- (d) There is sufficient information available to give out to the public that could assist in the safe recovery of the victim and/or the apprehension of a suspect.

334.4.2 PROCEDURE

- (a) AMBER Alerts are initiated solely by Utah law enforcement agencies utilizing the Utah AMBER Alert Information Form and by meeting the guidelines set forth on that form. The supervisor in charge of the investigation should ensure:
 - 1. The Bureau of Criminal Identification (BCI) is contacted and informed an alert is about to be sent.
 - 2. The Utah AMBER Alert Form is prepared using the Utah Criminal Justice Information System (UCJIS) in full (UAA message). A Field AMBER Alert Information Form is available on the Utah Attorney General Office website to help you gather information.
 - 3. The information (plus photo if available) is entered in the National Crime Information Center (NCIC) using the AMBER Alert Flag (AA).
 - 4. Hotline telephone banks are set up and staffed. Consider allocating additional resources from other law enforcement agencies.
 - 5. A photograph of the abducted child and/or suspect is obtained and as soon as possible and emailed or faxed to Utah AMBER Alert.
 - 6. A Public Information Officer is appointed to handle the press. Once the alert has been activated, media coverage can be overwhelming. The Public Information Officer should be updated constantly to utilize the media as much as possible and receive the maximum exposure for the case.
- (b) The supervisor may also consider the following resources as the circumstances dictate:
 - 1. The regional Child Abduction Response Team (CART).
 - 2. The State of Utah CART.
 - 3. Federal Bureau of Investigation (FBI Local Office).
 - 4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
 - 5. National Center for Missing and Exploited Children.
 - 6. Regional dispatchers may notify law enforcement agencies within their jurisdiction.
 - 7. BCI can contact other states if an AMBER Alert needs to be broadcast outside of Utah. BCI can also provide training or training materials.

Centerville Police Department

Policy Manual

AMBER Alerts

8. The Utah Public Information Officer Association can provide assistance.
 9. A Child is Missing will contact residents and businesses in the area where the child was last seen by using an automated telephone system. The service is free.
 10. Team Adam Provides experienced child abduction investigators, technical assistance and equipment for free of charge to agencies during child abduction and sexual exploitation investigations.
 11. Project Alert Provides retired federal, state and local law enforcement officers who volunteer their time and expertise as unpaid consultants in missing or exploited child cases. All travel arrangements and costs are paid for by NCMEC.
 12. Laura Recovery Center will help organize community ground searches. The non-profit organization offers its services for free.
- (c) The supervisor shall ensure the assigned Public Information Officer is provided updates regarding the search and investigation, and notified immediately upon locating the abducted child.

334.5 BLUE ALERTS

334.5.1 CRITERIA

The four criteria required for a BLUE Alert are as follows:

- (a) A law enforcement officer has been killed, seriously injured or assaulted with a deadly weapon by the suspect.
- (b) The suspect is an imminent threat to the public and other law enforcement personnel.
- (c) There is information available for the public about the suspect, the suspect's vehicle and vehicle tag.
- (d) Public dissemination of available information will help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE

BLUE Alerts are initiated solely by Utah law enforcement agencies through UCJIS and by contacting the BCI.

In the event of an assault with a deadly weapon, serious bodily injury or death of an officer, the following procedures designed to alert the media shall be followed.

- (a) The Public Information Officer, Shift Sergeant or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison

Centerville Police Department

Policy Manual

AMBER Alerts

- 6. A telephone number for the public to call in with leads/information
- (b) The press release should be sent to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the local emergency communications center so that general broadcasts can be made to local law enforcement agencies.

334.6 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a system to rapidly disseminate information about a missing and/or endangered person to law enforcement agencies and the media. The Endangered Missing Person Advisory is a voluntary partnership between law enforcement and local broadcasters for notifying the public about a missing and endangered person. The advisories are initiated solely by Utah law enforcement agencies.

334.6.1 CRITERIA

The following criteria must be met to initiate an Endangered Missing Person Advisory:

- (a) The person must be missing under unexplained or suspicious circumstances.
- (b) The person is believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person in peril.
- (c) There is information that could assist the public in the safe recovery of the missing person.

334.6.2 PROCEDURE

When the required criteria are met, the assigned officer should activate an Endangered Missing Person Advisory by entering descriptive information and officer contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned officer is responsible to enter information into the National Crime Information Center (NCIC) database.

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Centerville Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Centerville Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Centerville Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.

Centerville Police Department

Policy Manual

Victim and Witness Assistance

- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) The specific information for victims of domestic violence as mandated by Utah Code § 77-36-2.5.
- (l) Local victim centers.
- (m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.
- (n) Office of Crime Victim Reparations Program that offers financial assistance.
- (o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States. When such rights are infringed upon by violence, threats, or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of the Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

The Federal Government also has the power to investigate and prosecute bias-motivated violence by providing the Justice Department with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability (Title 18, USC, Section 245).

338.2 DEFINITIONS

Intimidate or Terrorize - Means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

338.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and 76-3-203.4 (Hate Crimes - Aggravating Factors).

338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

Centerville Police Department

Policy Manual

Hate Crimes

- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the County Attorney or City Attorney).

338.5.1 INVESTIGATIVE DIVISION RESPONSIBILITY

If a case is assigned to the investigative division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the City/County Attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

338.6 TRAINING

All members of the Department will receive POST-approved training on hate crime recognition and investigation.

Employee Discipline

340.1 PURPOSE AND SCOPE

To provide employees of the Department with guidelines governing their conduct in order that they may participate in meeting the goals of the Department in serving the community. This policy shall apply to all sworn and civilian members of the Department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 EMPLOYEE DISCIPLINE

The continued employment of every employee of the Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts or conduct that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position, or conduct that tends to disrupt or diminish the public's trust.

340.2.1 GENERAL CONDUCT

It is the responsibility of all Department members to conduct themselves in accordance with all Department and City policies, rules and regulations and to perform their work in a satisfactory manner. Department members are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, supervisors and the public. Any action or omission not in accordance with this Policy Manual or in violation of any Department or City directive, rule or regulation shall be subject to disciplinary action, up to and including termination, in accordance with the procedures set forth herein.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service.

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Chief of Police in writing within forty-eight (48) hours of any change in residence address, home phone number or marital status.

Centerville Police Department

Policy Manual

Employee Discipline

340.3.2 CONDUCT

- (a) Any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.
- (b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (d) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (e) Engaging in potentially dangerous horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (f) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (g) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (h) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or any other law enforcement agency.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) Any conduct which violates the provisions of this Policy Manual or any directive of an authorized supervisor.

340.3.3 DISCRIMINATION

- (a) Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability, or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who

Centerville Police Department

Policy Manual

Employee Discipline

is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.
- (e) Violation of any Department or City policy regarding drug or alcohol possession, use or restrictions, or violation of the City drug and alcohol testing policy.

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with it and be responsible for compliance with each of the policies.

Centerville Police Department

Policy Manual

Employee Discipline

- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Engaging in political activities during assigned working hours.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming an employee of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Centerville Police Department

Policy Manual

Employee Discipline

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Department safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms, or reports.

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the Department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to report in a timely manner the known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure § 1020. The investigation should be completed within 30 days of the discovery of the allegation unless such investigation requires a reasonable exception under the circumstances. Any investigation of misconduct should, in addition to the procedures set forth in Policy 1020, provide the Department employee with an opportunity to respond verbally and/or in writing to the alleged claims.

340.4.1 RESPONSIBILITY FOR DISCIPLINE

The basic responsibility for discipline lies with the employee's supervisor under the direction of the Chief of Police and the City Manager. An employee's immediate supervisor is authorized to impose disciplinary action involving a verbal warning or written reprimand. Any disciplinary action involving probation, suspension, demotion or dismissal requires prior review and approval from the Chief of Police and the City Manager in accordance with the procedures set forth herein.

Centerville Police Department

Policy Manual

Employee Discipline

340.4.2 VERBAL WARNINGS

Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may verbally communicate to the Department member the observed deficiency.

Written documentation of the warning should be prepared by the supervisor setting forth the date, time, circumstances and grounds for the discipline, and the date, time and circumstances of the verbal notice. Such written documentation shall be maintained with the Department member's personnel records.

Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken.

Notice of any verbal warning issued to a Department member shall be sent to the Chief of Police by the issuing supervisor.

Any employee wishing to formally appeal a verbal warning must submit a written request to his/her Sergeant within 10 days of receipt of the verbal warning. The Sergeant will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original verbal reprimand. Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify, or dismiss the verbal warning shall be considered final.

340.4.3 WRITTEN REPRIMANDS

Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may reprimand a Department member in writing. Written reprimands shall include a detailed statement of the date, time, circumstances and grounds for the discipline.

Such written reprimand shall be signed by the Department member and the supervisor and maintained with the Department member's personnel records. Should the Department member refuse to sign the written reprimand, the supervisor shall sign and note the date and time of such refusal.

Failure to remedy the deficiencies in a written reprimand may result in additional disciplinary action being taken.

A copy of any written reprimand issued to a Department member shall be provided to the Chief of Police by the issuing supervisor.

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Sergeant within 10 days of receipt of the written reprimand. The Sergeant will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand. Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify, or dismiss the written reprimand shall be considered final.

340.5 DISCIPLINARY ACTION PROCEDURES

The following procedures set forth in Section 340.5 and 340.6 shall apply to any disciplinary action or appeal of disciplinary action involving probation, suspension with or without pay, demotion or dismissal. Any disciplinary action involving verbal warnings or written

Centerville Police Department

Policy Manual

Employee Discipline

reprimand shall be conducted in accordance with the provisions of Section 340.4.2 and 340.4.3, as applicable.

340.5.1 RECOMMENDATION OF DISCIPLINARY ACTION

Upon receipt of any completed personnel investigation, the Sergeant of the involved employee shall review the entire investigative file, the employee's personnel file, and any other relevant materials.

Based on the findings of the investigation and the surrounding circumstances, the Sergeant may impose disciplinary action involving a verbal warning or written reprimand in accordance with the provisions of Section 340.4.2 and 340.4.3, as applicable. If the Sergeant determinest that the proposed disciplinary action involves probation, suspension, demotion or dismissal, the Sergeant shall recommend in writing such disciplinary action to the Chief.

- (a) Prior to forwarding recommendations to the Chief of Police, the Sergeant may return the entire investigation to the assigned detective, third party, or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Chief of Police, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Sergeant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed, and forward such recommendation to the City Manager.

340.5.3 RESPONSIBILITIES OF CITY MANAGER

Upon receipt of any written recommendation from the Chief of Police involving disciplinary action for probation, suspension, demotion or dismissal, the City Manager shall review the recommendation and all accompanying material, and shall hold a pre-disciplinary action hearing as provided herein.

The purpose of the pre-disciplinary action hearing is to provide the Department member with notice and an opportunity to respond to the alleged violations and proposed disciplinary action.

The City Manager shall provide the Department member with written notice of the date and time of the pre-disciplinary action hearing and shall provide the Department member with a copy of the Chief of Police's letter recommending the proposed disciplinary action and stating the grounds therefor.

After the pre-disciplinary action hearing, the City Manager shall provide the Department member with written notice of his or her final decision stating the disciplinary action to be taken, if any, and the Department member's right to appeal the same.

Centerville Police Department

Policy Manual

Employee Discipline

340.6 PRE-DISCIPLINARY ACTION HEARING

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the proposed disciplinary action after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This employee response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the City Manager to consider.
- (d) In the event that the City Manager elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the City Manager on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the City Manager shall consider all information received in regard to the recommended discipline.
- (g) The City Manager shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive any remaining fringe and retirement benefits.
- (h) Once the City Manager has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 APPEALS.

Except as excluded by definition under Section 10-3-1105 of the Utah Code Annotated, hereinafter referred to as "Excluded Employees," each employee of a municipality shall hold employment without limitation of time, subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Section 10-3-1106. Excluded Employees include, but are not limited to, the police chief, deputy police chief, department heads, superintendents, and probationary, seasonal and part-time employees. All Department members, other than Excluded Employees, shall hold their employment without limitation of time, being subject to discharge, suspension without pay, or involuntary transfer to a position with less remuneration only as provided in Utah Code Ann. § 10-3-1106, as amended. Any Department member, other than an Excluded Employee who is discharged, suspended without pay, or involuntarily transferred to a position with less remuneration, shall have the right to appeal the discharge, suspension,

Centerville Police Department

Policy Manual

Employee Discipline

or transfer to the City Appeals Board in accordance with the provisions of Utah Code Ann. § 10-3-1106, as amended. The City Appeals Board shall be constituted and function in accordance with the terms of Utah Code Ann. §10-3-1106, as amended, and applicable City Ordinances.

340.9 POST REPORTING

If any of the following violations are sustained, the Chief of Police shall ensure that the allegation is reported in a timely manner to POST for determination of suspension or revocation of the involved officer's POST certification under Utah Code § 53-6-211 (Such reporting is required even if the officer resigns):

Willfully falsifying any information to obtain POST certification.

Being addicted to alcohol or any controlled substance, unless the employee reports the addiction to the Department and to the Director of POST as part of a department early intervention process.

Engaging in conduct which is a state or federal criminal offense.

Refusing to respond, or failing to respond truthfully, to questions after having been issued a warning based on *Garrity v. New Jersey*, 385 U.S. 493 (1967).

Engaging in sexual conduct while on-duty

Being dismissed from the armed forces of the United States under dishonorable conditions.

Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy.

Computer System - Shall mean all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Centerville Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, employees of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing in or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or

Centerville Police Department

Policy Manual

Department Technology Use

related to the employee's duties, an alleged or suspected violation of a Department policy or a need to perform or provide a service or information when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

Centerville Police Department

Policy Manual

Department Technology Use

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony or misdemeanor has occurred, the documentation shall take the form of a written crime report.
- (b) In every case where any force is used against any person by police personnel.
- (c) All incidents involving domestic violence.
- (d) All incidents involving the death of a human being (see § 360 Death Investigations)
- (e) All arrests.

344.2.2 NONCRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

Centerville Police Department

Policy Manual

Report Preparation

- (a) Any time an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearm Discharge Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collision above the minimum reporting level (See Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy 360 § Death Investigations. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 30 days preceding death).
- (e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

If the injury or damage is significant or may expose the City to potential liability a supervisor should be notified. Supervisors notified of such events should consider requesting an investigation by an allied agency, notification of the Chief of Police via chain of command, and involvement of City Risk Management assistance.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

Centerville Police Department

Policy Manual

Report Preparation

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports, or report completions delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state, and federal agency forms may be block printed as appropriate. In general, the form, by design, may require typing.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor will reject the report back to the reporting officer for corrections indicating what corrections need to be made. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Center for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Center may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 ELECTRONIC SIGNATURES

The Centerville Police Department has established an electronic signature procedure for use by all employees of the Centerville Police Department. The Chief shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Sergeants, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following.

- (a) At no time shall any employee of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 - 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should

Centerville Police Department

Policy Manual

News Media Relations

include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department should maintain a daily information log of significant law enforcement activities that may be made available, upon request, to media representatives through the Shift Sergeant. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Utah Code 53-10-108.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of the appropriate court.

Centerville Police Department

Policy Manual

News Media Relations

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Government Records Access and Management Act (Utah Code 63G-2-101, et seq. and Policy Manual § 1026).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department (See §§ 810 and 1026). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information including current and former personnel (Utah Code 63G-2-302, and 63G-2-304).
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Government Records Access and Management Act (GRAMA).
- (b) Copies of certain official reports may be restricted pursuant to a court rule or a document described in Utah Codes 63G-2-302, 63G-2-304 and 63G-2-305.
 - 1. The only information permitted to be given to the media regarding a traffic collision is:
 - (a) The name, age, sex and city of residence of each person involved in the accident.
 - (b) The make, model and year of each vehicle involved in the accident.
 - (c) Whether or not each involved person was covered by vehicle insurance.
 - (d) The location of the accident.
 - (e) A description of the accident.
- (c) Criminal History Record Information (CHRI) (Utah Code 53-10-107).
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this Department (Utah Code 63G-2-305).
- (f) Information obtained in confidence.
- (g) The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure (Utah Code 63G-2-305).
- (h) Any information that is otherwise privileged or restricted under state or federal law.

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested, and that they present a professional appearance (Utah Code 78B-1-130).

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him/her to not appear in court but to remain available by phone or pager so that he/she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear in a timely manner in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of the subpoena to the Centerville Police Department via U.S. Mail. Subpoena service is also acceptable by courier or court liaison from the court to this Department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of the Department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (b) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the individually named employee.

Centerville Police Department

Policy Manual

Court Appearance And Subpoenas

348.2.4 REFUSAL OF SUBPOENA

- (a) Except where previous arrangements with the issuing court exist, training, vacations, and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one-hour before the appointed date and time, inform the Chief of Police or any employee that is designated by the Police Chief of his/her absence. It shall then be the responsibility of the Chief of Police or the authorized individual to notify the issuing authority of the employee's unavailability to appear.
- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service.
- (c) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service.
- (d) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the court liaison of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the City/County Attorney handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty that are not related to their employment with Centerville Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated through the Police Department for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions constituting contempt (Utah Code 78B-1-131).

Centerville Police Department

Policy Manual

Court Appearance And Subpoenas

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the policy governing agency compensation. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees (Utah Code 78B-1-147).

348.4 OVERTIME APPEARANCES

If the officer appeared during his/her off-duty time, the officer will be compensated in accordance with the policy regarding employee compensation.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard. The employee shall remain in the courtroom or available for appearance until released by the court.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Utah, any county, any city, or their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay.

Centerville Police Department

Policy Manual

Court Appearance And Subpoenas

The supervisor will then notify the Chief of Police, City/County Attorney's Office in criminal cases, or city attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding including, but not limited to, personnel and/or disciplinary matters.

Handcuffing

354.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to leg chains, Flexcuffs, Tuff Ties, and other single use disposable restraints which will be considered synonymous with handcuffs for purposes of this policy.

354.2 HANDCUFFING

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. When deciding whether to handcuff a detainee, officers should carefully balance officer safety concerns with factors including, but not limited to the following:

- The circumstances leading to the arrest.
- The attitude and behavior of the arrested person.
- The age, sex and health of the person.
- Whether the person has a hearing or speaking disability. In such cases consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

354.2.1 USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. Handcuffs shall be double locked, checked for proper fit as soon as the officer may do so safely, and note the number setting. Double locking handcuffs prevents tightening, which may cause undue discomfort or injury to the hands or wrists. Notation of double locking, checking for proper fit and setting shall be included in the written report.

When the need arises to adjust or loosen the handcuffs, the person should be placed in a proper control hold or if possible, have a back up officer present prior to the adjustment being made.

354.2.2 JUVENILES

Juveniles under 14-years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

Centerville Police Department

Policy Manual

Handcuffing

354.2.3 HANDCUFFING OF DETAINEES

Situations may arise where it is reasonable to handcuff an individual who, after subsequent investigation, may be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of officers and others. Officers should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a detainee.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for the use of handcuffs.

354.2.4 HANDCUFFING OF PREGNANT ARRESTEES IN LABOR

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Centerville Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex and kidnap offenders.

356.2 POLICY

It is the policy of the Centerville Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The investigative division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Corrections (DOC) in accordance with Utah Code 77-27-21.5.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.4 MONITORING OF REGISTERED OFFENDERS

The investigative division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on DOC's Sex and Kidnap Offender Notification and Registration (SONAR) website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DOC.

The investigative division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Centerville Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant

Centerville Police Department

Policy Manual

Registered Offender Information

risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to DOC's SONAR website for specific registrant information and photographs.

The Records Manager shall release local registered offender information to residents in accordance with the Government Records Access and Management Act (GRAMA).

356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

356.6 LEGAL MANDATES AND RELEVANT LAWS

Employees responsible for registering and entering sex or kidnap offenders into the database must be certified by the Utah DOC. To obtain and retain certification, the employee must receive initial and annual training from DOC (Utah Code 77-27-21.5(9)).

The Training Sergeant will be responsible for ensuring the appropriate training and certifications are maintained.

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Centerville Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Sergeant. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee on- or off-duty
- Death of a prominent Centerville official
- Arrest of Department employee or prominent Centerville official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first, then the supervisor cell phone.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in § 358.2, the Chief of Police and Lieutenant shall be notified along with the affected Sergeant.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Sergeant shall be notified who will then contact the appropriate accident investigator. The Sergeant will notify the Lieutenant.

Centerville Police Department

Policy Manual

Major Incident Notification

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of Staff have been notified that it appears the media may have a significant interest in the incident.

358.5 CITY OFFICIALS NOTIFICATION

Upon notification of the Chief of Police regarding the above (358.2), he/she will, if appropriate, either notify the Mayor and City Manager or delegate that responsibility. In the event of the absence of the Chief of Police, the appropriate supervisor shall make the notification.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The importance of a thorough death investigation cannot be emphasized enough and shall be in accordance with the Utah Medical Examiner Act (Utah Code 26-4-1, et seq.).

When death occurs under circumstances listed in Utah Code 26-4-7, the death shall be reported to the City/County Attorney and to the Medical Examiner by the law enforcement agency having jurisdiction over the investigation and shall be made by the most expeditious means available. Failure to give notification or report to the City/County Attorney and Medical Examiner is a class B misdemeanor (Utah Code 26-4-8).

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner's Office is required to inquire into and determine the circumstances, manner, and cause of certain deaths. The Medical Examiner shall be called in any of the following cases per Utah Code 26-4-7.

- (a) Unattended deaths wherein the deceased has not been attended by a physician in a professional capacity in the 30 days prior to death.
- (b) By violence, gunshot, suicide, or accident unless the accident is a highway accident. If the death was from a highway accident, custody shall only be assumed if an autopsy is required or permitted under the provisions of Utah Code 26-4-13 or if requested by the law enforcement agency with jurisdiction over the highway accident.
- (c) Sudden death while in apparent good health.
- (d) Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26-4-9(3).
- (e) Is under suspicious or unusual circumstances.
- (f) Results from poisoning or overdose of drugs.
- (g) Results from diseases that may constitute a threat to the public health.
- (h) Results from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment.
- (i) Is due to sudden infant death syndrome.
- (j) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by the Utah Medical Examiner Act.
- (k) When there is a reason to believe that a child has died as a result of child abuse or neglect.

Centerville Police Department

Policy Manual

Death Investigation

- (l) Results while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of the mentally ill, emotionally disturbed, or delinquent persons.
- (m) Is associated with diagnostic or therapeutic procedures.
- (n) Is described in Utah Code 26-4-7 when request is made to assume custody by a City/County Attorney or law enforcement agency in connection with a potential homicide investigation or prosecution.

The body shall not be moved without permission of the Medical Examiner or City/County Attorney having criminal jurisdiction or his authorized deputy except in cases of affront to public decency or circumstances where it is not practical to leave the body where found or in such cases where the cause of death is clearly due to natural causes.

However, in all cases, the scene of the event shall not be disturbed until authorization is given by the Medical Examiner to the senior ranking peace officer on the scene and having jurisdiction of the case and conducting the investigation.

360.2.2 SEARCHING DEAD BODIES

The Medical Examiner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Utah Code 26-4-7. The only exception is that an officer is permitted to make a reasonable search of the body of a person for the limited purpose of locating an anatomical gift card. If such a donor card is located, the Medical Examiner shall be promptly notified. The officer shall also, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank, or eye bank of the identity of the deceased, the next-of-kin (if known), and the funeral establishment taking custody of the deceased (Utah Code 26-28-112).

Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Medical Examiner the investigating officer shall first obtain verbal consent from the Medical Examiner.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made in person by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the Medical Examiner will assign a unique identifying number for the body and maintain a file under the assigned number. If possible, this number when applicable shall be included in any report.

Centerville Police Department

Policy Manual

Death Investigation

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Utah-OSHA is notified by telephone or teletype with all pertinent information.

360.3 SHIFT SUPERVISOR

Where a death appears to have occurred under any of the circumstances listed above in section 360.2.1, the responding officer or other officers shall notify the Shift Supervisor immediately. The Shift Supervisor will respond to the scene and supervise the investigation. The Shift Supervisor will as soon as possible determine if the death occurred or appears to have occurred under the circumstances listed above in section 360.2.1.

The Shift Supervisor shall also notify or cause to be notified the following:

- (a) A Supervisor who will either respond to the scene and take charge of the investigation or assign a Detective to do so;
- (b) The Department Crime Lab Technician; and
- (c) The Chief of Police or Lieutenant.

Identity Fraud

362.1 PURPOSE AND SCOPE

Identity fraud is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes under the Identity Fraud Act (Utah Code 76-6-1101).

362.1.1 IDENTITY THEFT REPORTING INFORMATION SYSTEM (IRIS)

Officers should ensure that an IRIS report is made by a victim, even if the fraud is initially reported to the Centerville Police Department. Upon receiving identity fraud reports via IRIS, investigating officers should contact each victim to verify the situation, enter a case number, the investigating officer's contact information and the case status. This information is automatically returned to a victim's IRIS account, and can be used by the victim to begin resolving issues related to a fraud.

Investigating officers should utilize IRIS in all Identity Fraud investigations. Investigating officers should also encourage victims to make an IRIS report anytime personal information is stolen (e.g., theft of a driver's license, social security card) and encourage them to establish Fraud Alerts whenever personal information has been compromised.

362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity fraud (Utah Code 76-6-1102) shall initiate a report for victims residing within the jurisdiction of the Department. For incidents of identity fraud occurring outside this jurisdiction, officers should observe the following:
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of the Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and was reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service, and Department of Motor Vehicles) with all known report numbers.
- (e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies, and prosecution as circumstances dictate.

Centerville Police Department

Policy Manual

Identity Fraud

362.3 IDENTITY THEFT REPORTING INFORMATION SYSTEM

If the victim is unable to respond to the Department, the victim should be informed of the Internet web site created by the Attorney General which allows a victim of an identity-related crime to report the crime on the web site and have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in which the crime occurred (Utah Code 67-5-22).

Web access to additional information is available at the [Identity Theft Reporting Information System](#) (I.R.I.S.) and **FTC.gov**.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of the Department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - Any employee of this department who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, department employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication such as in speaking or understanding, but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice LEP Guidance to Federal Financial Assistance recipients in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and

Centerville Police Department

Policy Manual

Limited English Proficiency Services

programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the following assistance methods.

368.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other City departments who have the requisite training may be requested.

Centerville Police Department

Policy Manual

Limited English Proficiency Services

368.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

The Shift Sergeant and Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the U.S. DOJ Final Guidance available at the U.S. DOJ [website](#)).

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

Centerville Police Department

Policy Manual

Limited English Proficiency Services

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

The Centerville Police Department will take reasonable steps and will work with the Personnel Department to hire and develop in-house language capacity in Dispatch by hiring qualified personnel with specific language skills.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined above in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

Centerville Police Department

Policy Manual

Limited English Proficiency Services

368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

The Department will ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. The Department will make every reasonable attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

Centerville Police Department

Policy Manual

Limited English Proficiency Services

368.6 INTERPRETERS AND TRANSLATORS

Department personnel who are called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

- (a) **Assessment:** The Centerville Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Sergeant. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.
- (b) **Training:** All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; demonstrate knowledge in both languages of any specialized terms or phraseology; and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal advisor.
- (c) **Refresher course for authorized interpreters:** Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training officer shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

The LEP Coordinator will ensure that the authorized interpreters list is kept current and a copy forwarded to Dispatch.

368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- A list of department bilingual employees, languages spoken and contact and shift information
- A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- The telephone number and access code of telephonic interpretation services
- Language identification cards
- Translated Miranda warning cards and other frequently used documents
- Audio recordings/warnings that are developed in non-English languages

368.8 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Centerville Police Department services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

Centerville Police Department

Policy Manual

Limited English Proficiency Services

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Centerville Police Department to assess whether they should be considered vital documents and be translated.

Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental, or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations, and services. In accordance with the Americans with Disabilities Act (ADA) 42 USC § 12101, et seq., it is therefore the policy of the Department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of the Department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services while not imposing undue burdens on the Department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Centerville Police Department

Policy Manual

Hearing Impaired/Disabled Communications

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.
- (b) Facing an individual who is utilizing lip-reading skills and by speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally-impaired individual.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a Citizen Complaint Form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Shift Sergeant and Dispatch Supervisor will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location, and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders, and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the

Centerville Police Department

Policy Manual

Hearing Impaired/Disabled Communications

disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of the Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair or crutches during a custodial situation, the removal of items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

Centerville Police Department

Policy Manual

Hearing Impaired/Disabled Communications

- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms, and available resources.
- (b) Employees having contact with the public (or those in custody) are trained to work effectively with in-person and telephone interpreters and related equipment.
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by Staff.

Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested:

- (a) By this department for any controlled substance offense enumerated in Utah Code 58-37-8, or for any of the offenses enumerated in Utah Code 76-5, Part 4 (Sexual Offenses), 76-9-702 (Lewdness) and 76-9-702.5 (Lewdness Involving A Child).
- (b) By another jurisdiction and upon this department receiving notice that a school employee has committed an act which would, if committed in Utah, be an offense under Subsection (a) the Chief of Police or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify the administrator of teacher certification in the State Office of Education and the superintendent of the school district employing the teacher (Utah Code 53-10-211).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated make the same notifications as mandated in § 372.2.1.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify the administrator of the private school employing the teacher and the administrator of teacher certification in the State Office of Education (Utah Code 53-10-211).

DNA Samples

374.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those persons (including qualified minors 14 years or older under Utah Code 53-10-403(3)) who are required to provide DNA specimens, which includes persons convicted or who pleaded guilty to any felony or class A misdemeanor under Utah law (Utah Code 53-10-403 et seq.).

Unless the Department determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.

Every employee designated to collect DNA specimens will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

374.1.1 DEFINITIONS

DNA - Deoxyribonucleic acid.

DNA specimen (or specimen) - A sample of a person's saliva or blood.

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the law, including post-conviction requests, members of the Department are only authorized to obtain DNA samples from those qualifying persons under Utah law whose DNA sample is not currently on file with the Department of Public Safety (DPS) absent other lawful means (e.g., consent or a search warrant).

A person is required to provide one DNA specimen. The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.

374.2.1 ARRESTEES

Any adult booked into a county jail, who has been convicted or has pleaded guilty under any of the qualifying offenses listed in Utah Code 53-10-403(1)(c) is required to provide DNA samples. The person need not provide a sample if the jail staff can obtain information from the Bureau of Criminal Identification that the bureau has a DNA specimen on file for the person (Utah Code 53-10-404.5).

374.2.2 SEX AND KIDNAP REGISTRANTS

Any adult or qualified juvenile 14 years or older who is required to register as a sex and/or kidnap offender defined in Utah Code 77-27-21.5 is required to submit a DNA sample (Utah Code 53-10-404, Utah Code 53-10-404).

At the time that any such person registers, updates registration or is notified by the DPS or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided.

Centerville Police Department

Policy Manual

DNA Samples

374.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under Utah law, the designated trained employee shall obtain DNA samples in accordance with this policy and proper protocol.

374.3.1 BLOOD SAMPLES

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose (Utah Code 53-10-405(1)(a)).

374.3.2 SALIVA SAMPLES

A saliva sample shall be obtained in a professionally acceptable manner, using appropriate procedures to ensure the sample is adequate for DNA analysis. Every employee designated to collect saliva swab samples (taken from the inside of the mouth) will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

A right thumbprint should be placed on the collector along with other required identifying information.

If an individual violently resists or presents other officer safety issues, employees may omit saliva swab samples upon approval of a supervisor.

374.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples.

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, a sworn member of the Department may complete a report of the refusal and may refer the person to the prosecuting attorney for additional criminal charges and may use reasonable force established by Department guidelines and procedures to obtain such sample, which shall be under the following conditions (Utah Code 53-10-404(3)(c)):

- (a) Prior to the use of reasonable force, the officer shall take reasonable steps to secure voluntary compliance and shall document those steps.
- (b) Prior to the use of reasonable force, the officer should take reasonable steps to determine whether the DPS has on file a DNA specimen for the person.
- (c) Prior to the use of reasonable force, the officer shall obtain written authorization from a supervisor, which shall minimally include that the individual was asked to provide the sample and refused.
- (d) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the use of reasonable force shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

Centerville Police Department

Policy Manual

DNA Samples

374.4 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the DPS laboratory using designated mailing tubes, labels and instructions for prompt analysis.

374.4.1 NOTICE OF A REJECTED SAMPLE

In the event the DPS notifies the Department that a DNA sample is not usable, the individual whose original sample was provided is required to submit to collection of additional samples (Utah Code 53-10-404(4)(b)). The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the DPS.

374.4.2 FOLLOW-UP NOTICE TO DEPARTMENT OF PUBLIC SAFETY

Within 90 days of submitting any DNA specimen sample to the DPS, this department shall notify the DPS when charges for a qualifying offense have not been filed.

374.5 MISUSE OR UNAUTHORIZED DISCLOSURE

It is unlawful and a policy violation for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

374.6 LITIGATION

The Chief of Police or a designee shall immediately notify the DPS in the event this department is named in a lawsuit involving the DNA sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Public Safety Camera System

378.1 PURPOSE AND SCOPE

The City of Centerville operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

378.2 PUBLIC SAFETY CAMERA SYSTEM

Cameras may be placed in strategic locations throughout the City at the direction or with the approval of the Chief of Police. These cameras can be used for detecting and deterring crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist City officials in providing services to the community.

378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

378.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the [Watch Commander]'s Office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Shift Sergeant or personnel in Dispatch are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety camera system to be set up at a location other than Dispatch for monitoring by other than Department personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending, and prosecuting offenders.
- (b) To assist in gathering evidence for criminal and civil court actions.
- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.

378.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

Centerville Police Department

Policy Manual

Public Safety Camera System

378.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical, and legal manner. The public safety camera system will not be used to invade the privacy of individuals or to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate, or discriminate against any individual or group.

378.3.4 CAMERA MARKINGS

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs shall be well lit to ensure visibility.

378.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons only.

Recordings not otherwise needed for official reasons shall be retained for a period of not less than seven days and thereafter may be erased. The system shall be configured to automatically purge any recordings older than 30 days.

378.5 REVIEW OR RELEASE OR OF VIDEO IMAGES

The reviewing or the release of video images shall be done only with the authorization of the Chief of Police or designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

378.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Dispatch Supervisor who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office.

Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Government Records Access and Management Act (GRAMA) will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy, and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

Child Safety Policy

380.1 PURPOSE AND SCOPE

The Centerville Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian.

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Centerville Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

380.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

Centerville Police Department

Policy Manual

Child Safety Policy

decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
 - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify Child Protective Services if appropriate.
- (d) Notify the field supervisor or Shift Sergeant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

380.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

380.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

380.3 CHILD WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service.

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

Centerville Police Department

Policy Manual

Child Safety Policy

380.4 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children participate, on a timely basis, in a POST-approved course on effective child safety when a parent or guardian is arrested.

Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Centerville Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Centerville Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for

Centerville Police Department

Policy Manual

Service Animals

excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Centerville Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (Utah Code § 77-9-3).

386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

Centerville Police Department

Policy Manual

Off-Duty Law Enforcement Actions

- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Centerville Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of an Centerville Police Department Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Centerville Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably possible (Utah Code § 77-9-3). The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Centerville Police Department
Policy Manual

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Centerville, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, and community presentations.
- (c) Calls for service, both routine, and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community-Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol Division and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Centerville Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the investigative division Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Centerville Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

Centerville Police Department

Policy Manual

Patrol Function

400.2.2 PATROL BRIEFING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefing as time permits.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the Briefing Room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the Briefing Room and the investigative division for display of suspect information, intelligence reports, and photographs. New General Orders will be made available for patrol supervisors and will be discussed at Briefing and shift meetings. A copy of the General Order will be placed on the Briefing Room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Racial/Bias-Based Profiling

402.1 PURPOSE AND SCOPE

The Centerville Police Department strives to provide law enforcement services with due regard to the racial and cultural differences of the community. It shall therefore be the policy and practice of the Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.2 DEFINITION

Racial/biased-based profiling, for purposes of this section, can be defined as any law enforcement-initiated action that relies upon the race or ethnicity of an individual, rather than the behavior of that individual.

402.3 RACIAL/BIAS-BASED PROFILING

Racial profiling does not include circumstances where the law enforcement officer has information that includes a racial or ethnic descriptor concerning a suspect for a specific crime where that information is reliable and is likely to lead to the discovery of that individual.

The Centerville Police Department will investigate all complaints of alleged racial/biased-based profiling complaints against its members. Employees violating this policy are subject to discipline.

402.4 TRAINING

This department will develop and deliver on-going training to all law enforcement officers to provide guidance regarding the consideration of race and ethnicity in the agency's law enforcement activities. This training will include: Department Policy Manual, federal, state, and case law governing the limitations (lawful and unlawful) in the use of race as a determiner for police activity.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until the officer is relieved by order of a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still within the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first-aid care to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.
- (g) Notify the on-call detective if needed.
- (h) Notify the on-call Patrol Supervisor as soon as practical.
- (i) The Patrol Supervisor or first responding officer will determine if the Chief of Police and or the Lieutenant needs to be contacted.

406.2.2 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives will not be allowed access to any area where there is a likelihood that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed, or a reasonable danger of injury exists.
 - 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

Centerville Police Department

Policy Manual

Crime and Disaster Scene Integrity

- (c) No member of the Department shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

The scene of a tactical operation is the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

Ride-Along Program

407.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish guidelines regarding the Centerville Police Department's Ride-Along Program.

407.2 POLICY

- (a) Only immediate family members, certified police officers, military police, and persons authorized by the Chief of Police or Lieutenant as approved in accordance of this policy may ride in patrol vehicles.
- (b) All persons riding in police vehicles, while on-duty with a Centerville Officer, will be logged in and out on the officer's daily log sheet.
- (c) The patrol officer will determine if a call could be dangerous. If the patrol unit does receive a dangerous assignment, the participant will be dropped off at a safe place. The officer will notify headquarters of that fact by radio and another patrol unit will meet the participant. When the participant's original officer partner is free of the dangerous assignment, the participant will be returned to him or her for the completion of the tour.
- (d) No one under the age of 18 years may ride in a patrol vehicle while on-duty except immediate family members with approval by the Chief or Lieutenant.
- (e) No person shall carry any weapon while participating as a Ride-Along unless he or she is a sworn and certified officer in the State of Utah.

407.3 RULES AND INSTRUCTIONS FOR THE TOUR

- (a) Every adult who wishes to participate in the law enforcement tour must sign a Waiver of Liability Form at the station in advance of the tour. This form is to be witnessed by a member of the Department. The form should then be turned into Dispatch;
- (b) All participants will dress conservatively. While the participant is in the patrol unit he or she is, in effect, a part of the Police Department, and his or her conduct must be at its best;
- (c) All persons participating in police tours must agree not to discuss names of persons involved in police cases. The participants will be accepted as a confidant of the Police Department. It is essential that matters pertaining to evidence or statements gathered in criminal investigations be held in confidence. This is true especially in cases involving the personal conduct of subjects under investigation by law enforcement. The participant must accept the same rules of confidence that govern the conduct of the officer he or she is riding with on patrol;
- (d) Cameras and recording devices shall not be taken on the tour by the ride-along participant;
- (e) Participants must obey the orders and instructions given by the officer to whom they are assigned and shall not get out of the patrol vehicle except as directed by the officer; and
- (f) All participation is considered periodic and not to become routine.

Centerville Police Department

Policy Manual

Ride-Along Program

407.3.1 POLICE PERSONNEL

- (a) Ride-Along Program for Department personnel will be made available under the following guidelines:
 - 1. Each dispatcher or secretary prior to riding will obtain permission to ride from his or her immediate supervisor; and
 - 2. The dispatcher or secretary will ride with the shift supervisor unless otherwise assigned by said supervisor to another police unit.
- (b) Certified Category I Officers may participate in the Ride-Along Program at the discretion of the Supervising Officer or Chief of Police.

407.3.2 SUMMARY

Because of the lack of multiple patrol units and high liability, Centerville at this time discourages ride-along tours to the general public. Hopefully, in the future, this will change in order to promote communication, understanding, and general knowledge in an area that is of vital concern to all of us.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Utah Administrative Code R315-1, the following is to be the policy of the Department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity has the capability of inflicting harm during exposure. It is characterized as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, clandestine drug labs, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens:

- (a) Attempt to identify the type of hazardous substance while maintaining a safe distance (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Police vehicles should be parked up wind from the hazardous material.
- (c) Notify the fire department.
- (d) Consider activation of Incident Command System (ICS) protocols.
- (e) Provide first-aid for injured parties if it can be done safely and without contamination.
- (f) Begin evacuation of the immediate area and surrounding areas, dependent on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (g) Notify the proper department chain of command

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

Centerville Police Department

Policy Manual

Hazardous Material Response

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Hostages and Barricaded Suspects

414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

414.1.1 DEFINITIONS

Hostage - Means a person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - Means a person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility by using techniques that are consistent with their training and are appropriate for the situation.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by § 300, with particular regard directed toward the safety of hostages.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation assumes that role and should consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.
- (b) Notification of tactical and hostage negotiation personnel.
- (c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots.
- (d) Establishment of inner and outer perimeters.
- (e) Evacuation of bystanders and injured persons.
- (f) Establishment of central command post and appropriate chain of command.
- (g) Request for ambulance, rescue, fire, and surveillance equipment.
- (h) Authorization for news media access and implementation of any Department policy regarding the news media.
- (i) Provide specific and safe routes of travel for all responding units.
- (j) Pursuit/surveillance vehicles and control of travel routes.

Centerville Police Department

Policy Manual

Hostages and Barricaded Suspects

414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

Fire Response

415.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish policy and procedures for responding to a fire scene and police responsibilities at the fire scene.

415.2 POLICY

- (a) It is the policy of this Department to extend full police services in assisting the Fire Department at the fire scene. This assistance will primarily consist of enforcement of laws, i.e., following fire apparatus, crossing fire hoses, and interfering with firemen, etc.
- (b) The primary responsibility of the police at a fire scene relates to traffic and crowd control and such responsibilities will be discharged first to protect the firemen from interference within the performance of their duties. Police Officers may also be required to assist in rescue operations where life and limb are apparently in jeopardy.

415.3 RESPONDING TO CALLS

- (a) Except as otherwise provided herein, police vehicles responding to fire calls shall do so "Code 1" (no red/blue lights or siren, obey all traffic laws, proceed directly to scene), unless a bona fide emergency exists at the fire scene requiring an officer's immediate presence. If such an emergency does exist, the Dispatcher shall so inform the assigned officer.
- (b) Officers responding to fire calls at OCCUPIED schools, churches, hospitals, or motels shall do so "Code 3" (use red/blue lights and siren, proceed to scene as soon as possible with safety) in all cases.
- (c) The nearest police unit to the fire scene will be assigned by the Dispatcher. The responding unit will determine if additional units are needed. Other police vehicles and officers should stay clear of the area unless dispatched there.
- (d) Caution should be used by all police personnel in placement of their vehicles at the fire scene so as to not interfere with fire apparatus.
- (e) When needed, the senior police officer at the fire scene should establish a perimeter using tape or rope to maintain a working area for Fire Department personnel. This should be done after consultation with the senior fire officer.
- (f) All fires should be considered potential crime scenes. Responding officers should work closely with Fire Department personnel in preserving evidence and investigating suspicious fires. Arsonists will often be among spectators at a fire. Officers should be attentive to those showing interest at the scene of a fire. Officers should not enter a building after a fire until the Fire Department has extinguished the fire and allows such entry.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Sergeant including:
 - 1. The stated threat.
 - 2. Exact comments.
 - 3. Time of discovery.
 - 4. Exact location of the device.
 - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the Bomb Squad or military ordnance disposal team.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

Centerville Police Department

Policy Manual

Response to Bomb Calls

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- (a) Fire department.
- (b) Bomb squad.
- (c) Additional field officers.
- (d) Field supervisor.
- (e) Chief of Police, Lieutenant, and Shift Sergeant.
- (f) Detectives.
- (g) Forensic Science Services.
- (h) The Chief of Police will be responsible for notifying the Mayor and City Manager.

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Centerville Police Department

Policy Manual

Response to Bomb Calls

- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Sergeant is immediately advised and fully informed of the details. The Shift Sergeant will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Robbery and Alarm Response

417.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish a uniform procedure for law enforcement officers responding to robbery and intrusion alarms.

417.2 COMMUNICATION CENTER PROCEDURE

- (a) The Communication Center which controls the area in which the robbery or alarm occurs will be the Control Center, i.e., Bountiful City, Layton City, Clearfield City, or Davis County Sheriff's Department for all other areas.
- (b) Dispatchers receiving a robbery call shall refer to the major incident questionnaire and follow the outlined procedure.
- (c) Major or Just Occurred Incident Protocol includes:
 - 1. Name and address of robbery.
 - 2. Where are you calling from (phone number & location)?
 - 3. What is your name and home phone?
 - 4. Can you see the scene now?
 - 5. Were there shots fired, or are there any injuries?
 - 6. Are the suspects around? Are they armed?
 - 7. How many suspects are there?
 - 8. Description of suspects.
 - 9. Can You identify their vehicle? Describe. License Number?
 - 10. Can you see any officer there or approaching the scene?

417.3 DUTIES OF ASSIGNED OFFICERS

- (a) Positions will be referred to by numbers one, two, three, and four. The number one position being the main entrance of the business and the remaining sides will be numbered accordingly in a clockwise manner.
- (b) Unit One. Unit One is the assigned car who should be the first responder and unit in charge until relieved. This unit will take a position to cover the main entrance without being seen from inside the building. This unit will also advise back-up units as to the best area to position.
- (c) Unit Two. Unit Two should be positioned to cover the rear of the building or second most likely route of escape by the suspects without being observable from within the building.
- (d) Unit Three. Unit Three should be positioned out of sight from within the building as directed by Unit One or Unit assuming command.
- (e) Unit Four. Unit Four should be positioned similar to Unit Three.
- (f) All other units will cover perimeter position out of sight and at least one block from scene using radio silence.
- (g) General rules to be followed, as policy, by all units regardless of Department affiliation:

Centerville Police Department

Policy Manual

Robbery and Alarm Response

1. Use of emergency warning equipment should be curtailed so as to maintain the element of surprise by not being heard or observed by the criminals;
2. Police vehicles will not be parked in front of establishment being held up;
3. All non-assigned units should position themselves along the probable route of flight by the criminals;
4. The basic rule is that officers should not enter a hold-up premise while a robbery is in progress or take other action that might endanger the safety of victims or bystanders;
5. All precautions should be taken so as not to trap the robbers. A better tactic is to allow the suspect to leave a robbery scene and then initiate the capture. This reduces both the chances of hostages being taken and the risk of injury to innocent citizens and officers;
6. Units assigned should be aware of a possible "look out." If a "look out" is spotted but is far enough away from the scene not to present a threat, the Officer should alert another responding unit to apprehend the suspected "look out;"
7. When taking up position, Officers should seek locations that do not lie directly in front of the expected exit of the robbers. When the robbers have stepped out of the building without hostages and are far enough from the door so that they cannot duck back inside, the officers should firmly announce their identity and order the robbers to stop, to drop their guns, and to lie face down on the pavement. At no time should police officers needlessly reveal their positions to the robbers;
8. If a hostage situation develops, appropriate departments will be notified and a hostage plan initiated; and
9. Assigned Officers who are not in uniform will wear appropriate attire to immediately identify themselves as police officers.

417.3.1 ROBBERY ALARM

- (a) Upon receipt of a robbery alarm, the Dispatcher should immediately assign police units to the location as outlined in this policy, using two alert tones for an alarm.
- (b) After the Officers notify the Dispatchers that they are in position, the Dispatcher should then call the establishment, identify him or herself, and ask whether a robbery has occurred or is in progress.
- (c) The questioning should be simple and direct. "This is the police, your alarm is sounding. Have you been robbed?" The effectiveness of codes, while good in theory, are not always workable and will no longer be used.
- (d) If the answer is "no", the Dispatcher will instruct the employee to meet the responding Officer outside the building. The name and description of this person will be given to the responding Officer. The responding employee should be instructed to carry a piece of paper in his/her hand. This is an indication everything is clear within the bank. If the employee does not have a piece of paper, Centerville Dispatch should check disposition by telephone with the bank employee before the officer approaches.
- (e) Units will be dispatched to the alarm location even when it appears that a false alarm has occurred.
- (f) If a robbery is in progress, the Dispatcher should first ask the employee whether he/she can safely stay on the phone. As soon as it is safe to talk or when the suspects have already left the premises, the Dispatcher should obtain all available information about the robbery and relay to responding units.

Centerville Police Department

Policy Manual

Robbery and Alarm Response

- (g) Alarm verification calls are not entirely foolproof. If the Dispatcher receives a "no" answer, this is usually a reliable indication that the alarm is not genuine. However, when there is a "no" answer there is a possibility that the victim is being coerced to talk or that the robber is answering the call himself/herself or another person answering the phone may not be aware of a robbery in progress.
- (h) All alarm calls will be responded to as a genuine call.

417.3.2 ROBBERY COMPLETED

- (a) When responding to calls where the robbers have left the scene, Officers must first care for the injured and secure the crime scene.
- (b) Attention should be focused on obtaining information from witnesses so information on the suspects may be broadcast.
- (c) All witnesses should be separated and given suspect description sheets. Use of the sheets turns the witnesses' attention to describing the participants in the event while it is fresh in their memories and discourages them from discussing the robbery among themselves.
- (d) The first responder will get the following pertinent information to the Dispatcher who will initiate an incident broadcast:
 - 1. Type of crime;
 - 2. Kind of premise, address, and time of occurrence;
 - 3. Number of suspects;
 - 4. Suspect description (sex, race, age, height, weight, unusual physical characteristics);
 - 5. Direction of travel and mode of transportation;
 - 6. Vehicle description (make, color, year, license number if available);
 - 7. Property taken, which will aid in identification (jewelry, currency, etc.) and how carried, (brown paper bag, bank deposit bag, etc.); and
 - 8. Weapons used.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Utah Code 62A-15-629(2). The commitment of a person under this section does not constitute an arrest. If an officer believes that a person falls within the provisions of Utah Code 62A-15-629(2), he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY

Pursuant to Utah Code 62A-15-629(2), if an officer observes a person involved in conduct that gives the officer probable cause to believe that the person is mentally ill and because of that apparent mental illness and conduct there is a substantial likelihood of serious harm to that person or others, pending proceedings for examination and certification under this part, the officer may take that person into protective custody. The officer shall cause the person to be transported to the designated facility of the appropriate local mental health authority pursuant to this section, either on the basis of his/her own observation or on the basis of a mental health officer's observation that has been reported to him/her by that mental health officer. Immediately thereafter, the officer shall place the person in the custody of the local mental health authority and make application for commitment of that person to the local mental health authority.

418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or an involuntary commitment should carefully consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities.
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (c) Appropriate language usage when interacting with mentally disabled persons.
- (d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons.
- (e) Community resources which may be readily available to assist with the mentally disabled individual(s).

418.3.1 TRANSPORTATION

When transporting any individual for an involuntary commitment, the handling officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient, and whether any special medical care is needed.

Officers may transport patients in the patrol vehicle and shall secure them in accordance with the Handcuffing Policy. Transportation of mentally ill persons shall be conducted by the appropriate municipal, city, or town law enforcement authority or, under the appropriate law enforcement's authority, by ambulance. The officer shall cause a person to be transported by ambulance if the person is medically or mentally unstable, requiring direct medical observation during transport (Utah Code 26-8a-305(2)). The officer will escort the

Centerville Police Department

Policy Manual

Mental Illness Commitments

patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete the prescribed form and provide it to the staff member assigned to that patient. The officer will retain a copy of the 24-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary commitment.

418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police vehicle.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Davis County Jail. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital for evaluation or medical clearance which would allow the individual to be incarcerated in the Davis County jail.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Utah Code 62A-15-629(2) and is found to own, have in his/her possession or under his/her immediate control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling officer. The firearm or other deadly weapon shall be booked into evidence until further processing.

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated. For purposes of this section, deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Utah Code 76-10-501(5)(a).

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the investigative division which shall be responsible for initiating a petition to the court for a hearing to determine whether the weapon(s) will be returned.

Centerville Police Department

Policy Manual

Mental Illness Commitments

- (b) The petition to the court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 3 months after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Utah Code 77-24-4(2)).

418.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST-approved training on interaction with mentally disabled persons.

Citation Releases

420.1 PURPOSE AND SCOPE

Utah Code 77-7-18 allows law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Utah Code 77-7-18. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.2.2 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to arrest during each general and special session of the Legislature or for 15 days immediately preceding and following each session, except for any felony, treason or breach of the peace. Legislators may be issued a citation and a summons to appear at a date outside of the time of legislative privilege (Utah Constitution Article VI § 8).

420.3 DEPARTMENT PROCEDURE

The following procedures will be followed to comply with Utah Code 77-7-18.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

Centerville Police Department

Policy Manual

Citation Releases

Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate. A legible right index fingerprint should be obtained to facilitate a criminal history entry by the Bureau of Criminal Investigation (BCI).

420.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor may be released on a Notice to Appear Form unless one of the following situations is present:

- (a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.
 - 1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately rearresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third-party payment source.
- (c) There are one or more outstanding arrest warrants for the person.
- (d) The person could not provide satisfactory evidence of personal identification.
- (e) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested (Utah Code 77-7-2(3)(b)).
- (f) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested (Utah Code 77-7-2(3)(c)).
- (g) The person arrested demands to be taken before a magistrate.
- (h) The magistrate with jurisdiction has issued a standing written order mandating a custodial arrest for a person who has refused to sign a Notice to Appear Form.
- (i) There is reason to believe that the person would not appear at the time and place specified in the Notice to Appear Form. The basis for this determination shall be specifically stated (Utah Code 77-7-2(3)(a)). The person's refusal to sign the citation, in and of itself, does not meet this requirement.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the Booking Form. This form shall be submitted to the Shift Sergeant for approval and included with the case file in the Records Center.

420.3.3 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified above, the Shift Sergeant shall state specifically on the Booking Form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record.
- (b) The person lacks ties to the area, such as a residence, job or family.
- (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

Centerville Police Department

Policy Manual

Citation Releases

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the Notice to Appear Form, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of Utah Code, Title 41. Excluding Reckless Driving and DUI Alcohol/Drug.
- Violations of the Centerville City Traffic codes.
- Status offenses
- Any Infraction, Class C and Class B misdemeanors unless otherwise noted.
- All offenses not listed below will be completed with a Centerville Citation using the Fast Track Program.

All Class A, Felony, Lewdness, Drug, and Alcohol violations shall be referred to Juvenile Court. A parent or Guardian shall be notified immediately or as soon as practical and provided with the Court date and time. The Parent or Guardian will be encouraged to respond to take custody of their child if the child is not being taken to a detention center or the Outreach Center.

Serving Arrest Warrant

421.1 PURPOSE AND SCOPE

The purpose of this General Order is to clarify the Department's policy on the serving of warrants and to establish procedures to be followed when handling the bail money obtained from the serving of warrants.

421.2 POLICY

- (a) Whenever an officer has knowledge of an outstanding warrant, that officer has a duty to serve that warrant on the person named in the most expeditious manner that is appropriate. Warrants are an order and a command from a court to all officers of the state.
 - 1. Officers of the Centerville Police Department will comply with all orders from a court of competent jurisdiction. However, officers will also exercise good judgment and discretion while serving such warrants.
- (b) The current status of all warrants should be verified through communications with the issuing agency or officer. The desires of the issuing agency should be complied with if proper and if it is appropriate.
- (c) Most warrants now appear on the Statewide Warrant System. For this reason if a warrant appears in the System, it should be assumed that the warrant is valid and appropriate action taken.
- (d) All arrestees for warrants from other jurisdictions will be incarcerated at the Davis County Jail. If the subject wishes to post bail in lieu of jail he or she will be transported to the Davis County Jail for that purpose.
- (e) All Centerville Police Officers, while on duty, will make every effort to collect any and all outstanding warrants. Should the duty officer need to leave the City to serve a warrant, a Supervisor will make sure an officer is available to cover any calls.
- (f) An officer shall document all efforts to serve the warrant. Information should include date, time, how contact was made (phone call, personally contacted, etc.), and place of incarceration. A worksheet is attached to each warrant for documenting this Information.

421.2.1 ACCEPTING BAIL

- (a) If the warrant is out of the Centerville Court and has a bail amount stated and the defendant wishes to post the bail in lieu of being arrested, cash only will be accepted by officers or employees of this Department unless permission of the Judge or Court Clerk is given to accept a personal check.
- (b) Whenever a person does post cash bail, the officer serving the warrant will count the money and issue the individual a receipt. The individual will be given one copy of the receipt.
- (c) The money will be placed in an envelope with a copy of the warrant and cash receipt. The envelope will be placed into the drop chute in the evidence room. The outside of the envelope will contain the name of the person on the warrant.

Centerville Police Department

Policy Manual

Serving Arrest Warrant

- (d) An arrest report will be done whenever a warrant is served whether or not the individual is arrested. A copy of the receipt for bail money and a copy of the warrant will be attached to the report.
- (e) The evidence technician will retrieve the money from the evidence room and deliver it to the court. A receipt for the money will be obtained from the court. This receipt will be attached to the original report.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained, or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the Department of State [web site](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized, and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

Centerville Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Utah but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity; however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

Currently, there is one Consulate Office in Utah which is the Consulate of Mexico.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are six honorary consuls in Utah:

- Honorary Consul of Brazil
- Honorary Consul of El Salvador
- Honorary Consul of South Africa
- Honorary Consul of Spain
- Honorary Consul of Uruguay
- Honorary Consul of New Zealand

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, foreign service personnel should also have a driver's license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white and blue license plate. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates but may have Utah license

Centerville Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the officer has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear Form for later reference. Do not include on the face of the Notice to Appear Form.
- (c) The claimant shall be requested to sign the Notice to Appear Form. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear Form. The word *Refused* shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear Form, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions and any policy outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the Notice to Appear Form.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others).

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification

Centerville Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, when the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of the Foreign Missions

Los Angeles, CA

(310) 235-6292, Ext. 121 or 122

(310) 235-6297 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Washington D.C.

Verification) or (202) 647-7277

(202) 895-3532 (Registration Verification) (202) 647-1512

(202) 895-3533 FAX (Available 24 hours)

(0815-1700 EST) (202) 647-0122 FAX

Department of State

Diplomatic Security Service

Command Center

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver's licenses issued by the Department of State; and the Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

Centerville Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Report, Arrest Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver's License, issued by the DMVO, shall have D coded in the license class box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) along with the claimant's title, country and type of identification presented should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in § 422.5.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored or impounded without the owner's permission (Such permission may be assumed if the vehicle has been stolen). These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Sergeant/supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. Notification to the Department of State and completion of necessary follow-up will be verified by the office of the Chief of Police.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time.

Centerville Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Dispatch with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

Rapid Deployment Team

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of the Department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

Centerville Police Department

Policy Manual

Rapid Deployment Team

- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of the Department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S.C., dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Centerville Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of the Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by an employee of the Department should be based upon the reasonable belief that an individual is involved in criminal activity.

Centerville Police Department

Policy Manual

Immigration Violations

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation.

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail (Utah Code § 77-7-2 and Utah Code § 76-8-301.5).

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If an officer believes that an individual taken into custody for a felony is also an undocumented alien and after booking, if there is no intention to transport to the county jail, ICE shall be informed by the arresting officer so that they may consider placing an immigration hold on the individual.

If an officer believes that an individual taken into custody for an offense other than a felony is also an undocumented alien, and the individual is not going to be booked into county jail, the arresting officer may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Potential burden on ICE
- (d) Impact on the immigrant community

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Centerville Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

Centerville Police Department

Policy Manual

Immigration Violations

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373, 8 U.S.C. § 1644 and Utah Code § 67-5-28).

428.4.1 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the investigative division sergeant assigned to supervise the handling of any related case. The investigative division sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS web site at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City public works department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or public works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS

Public works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Centerville contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Utah.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Centerville Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved by the Chief of Police and the Department armorer.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt A R-15 / Ruger Mini 14.

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect each patrol rifle on a semi-annual basis and service the patrol rifles as necessary.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor, the Armorer at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of nomenclature and proficiency user's course and a scored qualification exercise with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Centerville Police Department

Policy Manual

Patrol Rifles

Any officer who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the training and scored qualification exercise.

432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force (§ 300) and Firearm Discharge (§ 304) policies.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer the fire selector switch in the ready position, the chamber is empty, and a fully loaded magazine is inserted into the magazine well. A magazine is considered fully loaded two rounds short of capacity.

432.9 RIFLE STORAGE

The officer shall remove or secure the rifle in the vehicle while it is unattended or being serviced.

Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Centerville Police Department.

It is the policy of the Department to assign all new police officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment and to possess the skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Demonstrated ability as a positive role model.
- (c) Evaluation by supervisors and current FTOs.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Sergeant or designee and shall possess a POST First-Line Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Centerville Police Department who has successfully completed a POST-approved Basic Academy.

Centerville Police Department

Policy Manual

Field Training Officer Program

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practical, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Centerville Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Centerville Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations.

436.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.

Centerville Police Department

Policy Manual

Field Training Officer Program

- (c) A letter of completion certifying that the trainee has successfully completed the required field training program.

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Field Interviews and Photographing of Field Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.

Centerville Police Department

Policy Manual

Field Interviews and Photographing of Field Detainees

- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Centerville Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others (Utah Code 77-7-16). Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

Centerville Police Department

Policy Manual

Field Interviews and Photographing of Field Detainees

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry offensive or deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

Centerville Police Department

Policy Manual

Field Interviews and Photographing of Field Detainees

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Shift Sergeant will forward the photo and documents to the Gang Unit Supervisor. The Gang Unit Supervisor will ensure the photograph and supporting documents are retained as proscribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Center. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Center in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE

The Records Manager will be responsible for ensuring that photographs retained by the Records Center that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Centerville Police Department and the booking file remains in the Records Center.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or designee to discuss the matter.

Centerville Police Department

Policy Manual

Field Interviews and Photographing of Field Detainees

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and any Centerville Police Department policy and, even if properly obtained, whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or designee determines that the photograph/FI was obtained in accordance with existing law and any Department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or any Centerville Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to any Department policy and applicable law.

If the Chief of Police or designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or any Centerville Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or designee determines that any involved Centerville Police Department personnel violated existing law or any Department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination of whether the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Utah Code 76-9-802 et seq. and Utah Code 76-9-902 et seq.

The intent of this policy is to provide for the collection and management of criminal street gang information to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

442.2 DEFINITIONS

Criminal street gang - An organization, association in fact, or a group of three or more persons, whether operated formally or informally (Utah Code 76-9-802 and Utah Code 76-9-902):

- (a) That is currently in operation.
- (b) That has as one of its primary or substantial activities the commission of one or more predicate gang crimes.
- (c) That has, as a group, an identifying name or identifying sign or symbol, or both.
- (d) Whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity.

Pattern of criminal gang activity - Committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more predicate gang crimes within five years when these crimes are committed by two or more persons; or committed at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in any criminal conduct by members of the criminal street gang (Utah Code 76-9-802).

Predicate gang crime - Any of the offenses specified in Utah Code 76-9-802 or Utah Code 76-9-902, as well as those other unspecified offenses that otherwise meet the requirement of these codes.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and about groups that are suspected of being criminal street gangs.

- (a) An individual shall be designated as a participant in a criminal street gang and included in a gang file when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established. All entries into the gang file shall be approved by a supervisor:
 - 1. An individual admits membership in a criminal street gang.
 - 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.

Centerville Police Department

Policy Manual

Criminal Street Gangs

3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
 4. An individual resides in or frequents a particular criminal street gang's area and affects their style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in a criminal gang activity or enterprise.
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
 6. An individual is identified as a gang member in a criminal street gang document, or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department-approved gang intelligence database and/or 28 CFR § 23.20.
- (b) An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members.

442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to determine that the information was properly obtained and is suitable for retention. Proper purging is the responsibility of the Gang Unit Supervisor.

Centerville Police Department

Policy Manual

Criminal Street Gangs

442.4.2 GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as a statewide repository, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Center after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Manager to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20. The Records Manager may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATION OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need to know basis. This means information that may be of use in the prevention of gang related criminal activity or information concerning the investigation of gang related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

Centerville Police Department

Policy Manual

Criminal Street Gangs

442.8 GANG LOITERING

Officers may only order suspected gang members to disperse under Utah Code 76-9-903 (prohibiting gang loitering) in the following instances:

- (a) Supervisor approval is granted, or
- (b) The officer has received department-approved gang enforcement training and has been authorized by the Gang Supervisor to enforce this section.

If enforcement action is taken under this section, officers must articulate the reasonable belief that the subjects ordered to disperse are gang members. A supervisor's approval is required for any arrest for failure to disperse.

Officers may not order anyone to disperse under this section for engaging in constitutionally protected, collective advocacy activities (demonstrations), or merely because the officer or a citizen claims offense from the speech or expression of the individuals involved or has personal animosity for the people involved. The officer must articulate that the people were remaining in one place under circumstances that would cause a reasonable belief that the purpose or effect of the loitering was to enable or facilitate a criminal street gang to:

- Establish control over one or more identifiable areas.
- Intimidate others from entering those areas.
- Conceal illegal activities.

442.9 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request that a copy of the report be routed to the Gang Information Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Shift Sergeants

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions, and objectives.

444.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the senior qualified senior officer shall be designated as the Officer in Charge.

Patrol Video Systems

446.1 PURPOSE AND SCOPE

The Centerville Police Department has equipped each marked patrol car with a Patrol Video Systems(PVS) recording system. The PVS is designed to assist and complement patrol officers in the performance of his/her duties. The PVS is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

446.2 OFFICER'S AND SUPERVISOR'S RESPONSIBILITY WITH REGARDS TO MAINTENANCE

The procedures the officers follow in dealing with situations will remain largely unchanged, but the officer must also be aware of potential claims which may arise when the video tape system is available but not used.

- (a) The mobile video equipment assigned to an officer will be the responsibility of that officer.
- (b) Proper care and maintenance will be used as recommended by manufacturer. In addition, the video box mounted in the trunk will be locked and secured. The key will not be left in the video box but separate from the unit for the security of the tape and equipment. It will be the officer's responsibility to maintain the key to the unit and have it available at all times at the request of a supervisor.
- (c) Prior to patrol activities, the officer shall determine if the equipment is functioning properly by turning the system on and observing the monitor and the tape counter for movement.
- (d) If the system does not function properly, the officer shall power off the system and notify his or her supervisor.
- (e) If a video system is malfunctioning in a unit, the officer assigned to that unit shall notify his or her supervisor as soon as possible. The supervisor will note the date and time of the malfunction and make arrangements for repair. The officer shall note on his or her daily log the nature of malfunction.
- (f) The officer shall write the video tape serial number on his or her Daily Activity Log.
- (g) The supervisor may review the video tape for situations that result in citizen complaints.
- (h) The video recordings will not be routinely reviewed to monitor officer performance

446.2.1 OBJECTIVES

The very nature of police work involves officers performing their duties and responsibilities in emotional settings. Police intervention can be misinterpreted by witnesses, victims, and suspects. The PVS is your independent observer in your patrol car. It will:

- (a) Accurately record police activity both visually and audibly during citizen contact and help to avoid controversial situations.
- (b) Protect both officers and the citizen.
 - 1. Protection of each from civil liability.
 - 2. Protection of officers from frivolous personnel investigations.

Centerville Police Department

Policy Manual

Patrol Video Systems

- (c) Enhance criminal prosecution when used as evidence.
 - 1. Ability to narrate your observations, for example, of the suspected DUI driver in front of you.
 - 2. The camera will clearly depict appearance and demeanor of suspects, which quite often vary from their appearance and demeanor in court.
 - 3. Establish credibility in court when accuracy is questioned.
- (d) The PVS can be an effective training tool:
 - 1. To reinforce appropriate behavior;
 - 2. Demonstrate inappropriate behavior;
 - 3. Enhance interpersonal skills;
 - 4. Enhance officer safety habits;
 - 5. To aid FTOs and trainees; and
 - 6. To aid supervisors at a scene.

The PVS demonstrates the Centerville Police Department's confidence in its officers and their service. The PVS tells the community we serve that we operate within the public purview and establishes a trust between the officers and the public.

446.3 ACTIVATION OF THE PVS

The PVS system is designed to turn on whenever the vehicle emergency lights are activated in the stage two position. The system remains on until turned off manually.

446.3.1 REQUIRED ACTIVATION OF PVS

This policy is not intended to describe every possible situation where the system may be used, however, there are many situations where the use of the PVS system is appropriate. In addition to the required situations, an officer may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the PVS. The activation of the PVS system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
 - 1. Vehicular pursuits.
 - 2. Suspicious vehicles.
 - 3. Arrests.
 - 4. Pedestrian checks.
 - 5. DUI investigations including field sobriety tests.
 - 6. Consensual encounters.
 - 7. Responding to an in-progress call.
 - 8. Traffic Stops.
 - 9. Felony and high risk stops
 - (b) All self-initiated activity in which an officer would normally notify Dispatch.
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Centerville Police Department

Policy Manual

Patrol Video Systems

- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Domestic violence calls.
 - 2. Disturbance of peace calls.
 - 3. Offenses involving violence or weapons.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

Once the PVS system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and/or victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

446.3.2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the PVS system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order, no member of the Department may surreptitiously record any other member of the Department without the expressed knowledge and consent of all parties.

446.4 REVIEW OF PVS RECORDINGS

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct or for quality assurance.
- (b) By a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (c) By Department personnel who request to review their own recordings.
- (d) By court personnel through proper process or with permission of the Chief of Police or designee.
- (e) By media personnel with permission of the Chief of Police or designee.
- (f) The video recordings will not be routinely reviewed to monitor officer performance

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

446.5 DOCUMENTING PVS USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed in the records copy of the citation that the incident was recorded.

446.6 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of one year after which time it will be erased, destroyed, or recycled.

Centerville Police Department

Policy Manual

Patrol Video Systems

446.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

Mobile Data Terminal Use

448.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the Utah Department of Public Safety and Utah Division of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

448.2 MDT USE

The MDT shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDT use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT, or MDT alone, as appropriate unless otherwise authorized by the Shift Sergeant.

448.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDT.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDT system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.

Centerville Police Department

Policy Manual

Mobile Data Terminal Use

448.2.4 EMERGENCY ACTIVATION ON MDT

If the emergency button is depressed on the MDT, the dispatcher will call the vehicle and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

- (a) If the vehicle is not on a call, send available units to assist in locating the vehicle transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available vehicle Code-3.
- (b) Notify the field sergeant and Shift Sergeant of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDT CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDTs. Whenever officers must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of Dispatch to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDTs. Operating the MDT may cause some devices to detonate.

Use of Audio Recorders

450.1 PURPOSE AND SCOPE

The Centerville Police Department has provided each of its sworn members with access to audio recorders for use while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased audio record of a contact.

450.2 ACTIVATION OF THE AUDIO RECORDER

Utah Code 77-23a-4(7)(d) permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission.

- (a) No member of the Department may surreptitiously record a conversation of any other member of the Department without the expressed knowledge and consent of all parties.
- (b) Any member of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.
 - 1. For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement-related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees that are conducted solely for administrative purposes.
 - 2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.
- (c) Members of the Department are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.
 - 1. At no time should an officer jeopardize his/her safety in order to activate a recorder or change the recording media.
 - 2. Officers are prohibited from utilizing Department recorders and recording media for personal use.

450.3 RETENTION OF RECORDING MEDIA

At any time that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

- (a) The officer shall further note in any related report that the recording has been placed into evidence.
- (b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

Centerville Police Department

Policy Manual

Use of Audio Recorders

450.3.1 NON-CRIMINAL MATTER

At any time that an officer reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer may book the recording media into the property room for safekeeping or download the file in accordance with current procedure for storing digital files.

- (a) Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practicable.
- (b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

Once any recording media has been filled, the officer shall place it into safekeeping or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

450.4 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct.
- (b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) By the personnel who originally recorded the incident.
- (d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.
- (e) By media personnel with permission of the Chief of Police or authorized designee.

Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE

The Centerville Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. The quiet operation of the bicycles also can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officers mobility and visibility to the community. The City finds that the use of bicycles for patrol functions within the City Police Department will provide certain benefits and flexibility to the Department including, but not limited to, the following:

- (a) Increase community relations between the Police Department and the citizens.
- (b) Increase the effectiveness of patrol in all areas of the City, more importantly the higher crime areas.
- (c) The advantage of unnoticed patrol.
- (d) Ability to perform police functions in areas not accessible to normal patrol vehicles.
- (e) Increase the physical condition of Department personnel.
- (f) A positive addition to the types of patrol options.
- (g) Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.
- (h) Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to their appropriate Sergeant. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by a Patrol Sergeant.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.

Centerville Police Department

Policy Manual

Bicycle Patrol Unit

- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

454.4 TRAINING

Participants in the program must successfully complete the Utah POST 32-hour basic training course or a Department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health, and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

454.5 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vestis strongly recommended.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with Department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone. In colder weather a jacket may be worn. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

454.6 CARE OF PATROL BICYCLES

- (a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.
- (b) Bicycles utilized for uniformed bicycle patrol shall have a Police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights, and a siren/horn satisfying the requirements of Utah Code 41-6a-1114.
- (c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage, and citations.

Centerville Police Department

Policy Manual

Bicycle Patrol Unit

- (d) Each bicycle gear bag shall include a tire pump, repair tool, and a security lock. These items are to remain with/on the bicycle at all times.
- (e) Each bicycle shall be equipped with a steady or flashing red warning light that is visible from the front, and rear of the bicycle.
- (f) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
- (g) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.
- (h) Each bicycle will have scheduled maintenance twice yearly to be performed by a Department-approved repair shop/technician.
- (i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (j) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.
- (k) Officers shall not modify the patrol bicycle, remove, modify, or add components except with the expressed approval of the bicycle supervisor or in the event of an emergency.
- (l) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.
- (m) Bicycles shall be properly secured when not in the officer's immediate possession.

454.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Utah Code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions:

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

454.8 PERMITTED USE

- (a) Bicycles may be used for patrol, special functions, or public relations activities.
- (b) Any sworn full-time officer of the Centerville Police Department will be eligible to participate on bike patrol.
- (c) Bicycles will be used at the discretion of the Police Chief and/or Patrol Sergeant when there is sufficient coverage for answering calls for service.
- (d) Bicycle patrol will be used in areas where there is a need for high visibility patrol or for crime prevention (due to reported criminal activity).

Centerville Police Department

Policy Manual

Bicycle Patrol Unit

- (e) The bicycle officer is expected to stay in close proximity to a patrol vehicle in order to respond to calls or take over regular patrol duties if the duty officer is detained.

Foot Pursuit

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics, and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objectives of apprehending the suspect with the risk of potential injury to the officer, the suspect, or the public.

458.2 POLICY

It is the policy of the Department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the suspect, or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

458.3 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk therefore no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Air support.
- (e) Apprehension at another time when the identity of the suspect is known, or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

Centerville Police Department

Policy Manual

Foot Pursuit

458.4 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public if the suspect is not immediately apprehended), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a responsible supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspects should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with Dispatch or with backup officers.
- (h) The suspect enters a building, structure, confined space, wooded, or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinate containment, pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel able to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

458.5 RESPONSIBILITIES IN FOOT PURSUITS

458.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress the pursuit. When acting alone and when practicable the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Centerville Police Department

Policy Manual

Foot Pursuit

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Number of suspects and description.
- (e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify communications with his/her location, the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and direct further actions as reasonably appear necessary.

458.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit all other officers should minimize non-essential radio traffic in order to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with all Department policies based upon available information and his/her own observations.

458.5.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit the responsible supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control, and coordination of the foot pursuit. The supervisor should respond to the area whenever possible, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit at any time he/she concludes that the danger to pursuing officers or the public outweighs the objective of immediate apprehension of the suspect.

Upon the apprehension of the suspect the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

458.6 REPORTING

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum, the following:

Centerville Police Department

Policy Manual

Foot Pursuit

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Animal Control

459.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish procedures for handling animal control enforcement

459.2 ANIMAL COMPLAINTS

The City contracts with Davis County to provide animal control services for the City. Any animal complaints received by the Department should be referred directly to the Davis County Animal Control Department at (801) 444-2200. Except as provided herein, the Department should not take information or make cases on such complaints. If, however, Davis County Animal Control is unavailable and it is necessary for the Department to respond, the necessary paperwork should be completed.

459.2.1 DOG BITE CASES

Dog bites will be handled initially by Department officers. A case number will be assigned. The reporting officer will do an incident report with all the pertinent information. A copy of the report will be placed in the animal control mailbox. Do not make any commitments for the Davis County personnel as to what action they will take. Advise the parties involved that the case will be referred to Davis County Animal Control, and they should contact that office for further information.

459.2.2 DEAD AND/OR INJURED ANIMAL CASES

Dead and/or injured animals may occasionally have to be handled by Department personnel.

- (a) Whenever a complaint of a dead animal is received, an incident number will be assigned. If Davis County Animal Control is on-duty they will be assigned to the detail.
 - 1. If Davis County Animal Control is not on-duty and the report is received during the hours that the Street Department personnel are on duty, the dispatcher will notify Street Department personnel and request they pick up the carcass.
 - 2. If Davis County Animal Control and the Street Department are not on-duty and the report indicates that the animal is in the street, an officer will be dispatched in an attempt to get the carcass out of the street as soon as possible. If the carcass is small enough, it will be placed in a garbage bag and hauled to the Street Department and placed in an appropriate garbage receptacle. Under no circumstances will skunks be transported in Police Department vehicles. If the animal is too large for this procedure, the Street Department personnel will have to be called out. Reasonable effort will be made to locate the owner of the animal.
 - 3. Each patrol vehicle will be equipped with a supply of heavy duty garbage bags and disposable gloves.
- (b) All injured animal complaints will be referred to Davis County Animal Control including after hours complaints or reports.

Centerville Police Department

Policy Manual

Animal Control

1. There may be occasions when an officer of the Department will have to be assigned to handle an injured animal complaint. These will usually involve animals that have been hit by cars and immediate action is necessary and the Davis County Animal Control is not instantly available.
 - (a) If at all possible the owner shall be located so that he/she can make the determination on what to do with the injured animal.
 - (b) If the owner cannot be readily located, the Officer assigned will call out Davis County Animal Control for care of the animal. It will be Animal Control's responsibility to determine if the animal should be treated or destroyed.

Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Centerville Police Department recognizes that members of the homeless community are often in need of special protection and services. The Centerville Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following when serving the homeless community.

464.1.1 POLICY

It is the policy of the Centerville Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer if the need arises. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy § 804 and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a

Centerville Police Department

Policy Manual

Homeless Persons

continuation of the offense or a breach of the peace officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with Policy § 326.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a

Centerville Police Department

Policy Manual

Homeless Persons

complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

464.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention. (See Policy § 418).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Centerville Police Department
Policy Manual

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/problem-based assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

Officers shall strive for quality in traffic law enforcement. They shall issue citations for apparent violations of City Ordinances and the Traffic Rules and Regulations of the State of Utah wherein the elements of the offense are clear to the officer. Violations involving doubt should result in warnings with the benefit of doubt given to the violator. It is imperative that each officer uses good judgment in the decision to issue a citation or a warning, and that judgment will be relied upon by the Department to be fair, impartial, and firm.

500.1.1 PHILOSOPHY OF TRAFFIC ENFORCEMENT

- (a) Every citation issued must serve a purpose. That purpose is to affect the violator in such a manner that the violation will not be committed again and thereby effect a reduction in traffic accidents, hazards, or congestion.
- (b) In issuing a citation, there must be uniformity in enforcement. Motorists should receive similar treatment by all officers. It is imperative that the enforcement of traffic laws be a continuous effort by all uniformed officers and not spasmodic drives.
- (c) Selective enforcement will be conducted by traffic or other specially assigned personnel where certain types of violations are causing specific concerns.
- (d) It is each officer's individual responsibility to recognize a violation when it is committed and take the proper action necessary in each case. In many instances, the ends of justice and the objectives of enforcement are equally served by a well-timed warning where the mistake is minor and the violator deserving of leniency. Officers must bear in mind, though, that warnings to chronic traffic violators do not deter them from other offenses or meet the purpose of traffic law enforcement.
- (e) No uniformed officer shall overlook a hazardous violation committed in his or her presence unless other and more immediate duties interfere. Officers shall take a course of action determined by the circumstances. The public will be guided in their conduct by the enforcement of traffic laws or the lack of it, especially when the violations are committed in the presence of any officer. Conversely, officers operating marked vehicles have a greater obligation in establishing and observing all rules of the road as an example to the general public.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Centerville Police Department. Information provided by the Utah Department of Public Safety's Highway Safety Office is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

Centerville Police Department

Policy Manual

Traffic Function and Responsibility

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high-accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-accident locations.

Other factors to be considered for deployment are citizen requests, construction zones, or special events.

500.2.1 CONDUCT AND APPROACH

- Officers shall avoid a too casual or callous attitude toward the traffic violator. Each stop concerns an entirely different person and the treatment of that violation is an important part of that person's life which will be remembered for a long time and usually discussed with many people. In many cases, a traffic stop is the only contact a person may have with the Police Department. Therefore, treat each violator with new interest, attention, and individual consideration.
- Informing the violator of the nature of his or her violation is necessary and should be explained so that it is understood. The manner in which this is done is important. Show respect for the violator's opinion. It is not, however, the officer's place to argue with a traffic violator or anyone for that matter. If an officer cannot avoid a confrontation completely, he/she should issue the citation as quickly as possible and return to other duties.
- Violators will be provided with a bail schedule and envelope.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas, and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- Explanation of the violation or charge.

Centerville Police Department

Policy Manual

Traffic Function and Responsibility

- Court appearance procedure including the optional or mandatory appearance by the motorist.
- Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(a) Issuance of Citations

1. This Department establishes no quotas for the issuance of traffic citations by any officer. Officers are employed to enforce the law, however, and will therefore be expected to produce evidence of their enforcement activity as a matter of consideration in whether or not they are doing the job for which they are employed.
2. Officers shall issue citations for violations of City Ordinances and the Traffic Rules and Regulations of the State of Utah. The violator will be given his or her copy at the scene. The officer shall turn in the remaining copies to Dispatch at the end of the tour of duty.
3. Supervisors shall review all citations for accuracy, completeness, and quality after which the information will be recorded as necessary and returned to the appropriate area to be filed.

(b) Citation Accountability

1. It is incumbent upon all police personnel who handle traffic citations to be thoroughly aware of the public trust and interest in proper processing.
2. To preclude allegations of improper use of citation forms or improper processing of cited traffic violations, the following is required:
 - (a) All citations shall be turned into the Dispatch office.
 - (b) If for any reason a citation form becomes mutilated, incorrectly completed, or its use canceled it will be turned in with an explanatory note attached.
 - (c) No traffic citation will be quashed by any Police Department employee after the procedure of issuing a citation has been completed.
 - (d) If during the issuance of a citation an officer errs or changes his or her mind, "void" shall be written across the face of the citation in bold letters and all copies turned in.

(c) Exceptional Circumstances

1. Traffic citations will not be judged by any Police Department personnel; each offense cited will be referred to the court for proper processing or trial. Experience has shown that there are circumstances in which a cited violation should not be prosecuted. Such circumstances are where gross error, misconduct by an officer, or conflict of laws occur. If these or any other valid reason exists, the request for dismissal shall be directed to the Chief of Police with a memo explaining the reasons for the requested dismissal. Administrative dismissal of any completed citation shall be made only with the approval of the Chief of Police and then only in limited situations.
2. In all cases where the normal process of citations is not completed because the violator refused to sign the citation or is taken into custody for another offense, the violator's copy shall be attached to the arrest report and accompany it to the City Prosecutor's Office.
3. Whenever the issuance of a citation to a violator is interrupted by an emergency call, the officer has two options:

Centerville Police Department

Policy Manual

Traffic Function and Responsibility

- (a) Void the partially completed citations, note the explanation on its face, and turn it in; or
- (b) If the severity of the offense or the circumstances warrant it, the officer shall submit a memo explaining the situation in detail, attaching it to the partially completed citations, for the supervisor's review. A letter will then be directed to the City Prosecutor's Office requesting a formal complaint.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in Utah Code Title 41. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter.
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Refusal to sign Notice to Appear Form.
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Utah Code 53-3-227.

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit and in the side box of each police motorcycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

Centerville Police Department

Policy Manual

Traffic Function and Responsibility

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the shift supervisor to establish a report form and a procedure for school crossing guards to report speed violations to the Centerville Police Department. The reporting forms shall be made available to school crossing guards and to school administrative offices. (Utah Code 41-6a-604 and Utah Code 41-6a-604.5). The report form shall include the following:

- (a) Date, time and location of the violation.
- (b) Vehicle license plate number and state.
- (c) Vehicle description.
- (d) Description of the vehicle operator.
- (e) Description of the incident.
- (f) Contact information of the school crossing guard.
- (g) The signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.

Reports should be submitted to the Centerville Police Department no more than two business days after the alleged violation occurred.

500.6.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER

It will be the shift supervisor's responsibility to establish a system in which notification letters are sent to the last known registered owner of the vehicle that was reported speeding. The letter should contain the following (Utah Code 41-6a-604.5(1)(a)):

- (a) Applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced-speed school zone in violation of state law.
- (b) Complete explanation of the applicable provisions of Utah Code 41-6a-604.
- (c) An explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

The shift supervisor is responsible for ensuring all other mandates of Utah Code 41-6a-604.5 are met or that further investigation, if warranted, is conducted.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Centerville Police Department prepares traffic collision reports in compliance with Utah Code, Title 41, Chapter 6a, Part 4 and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The shift supervisor will be responsible for distribution of the Collision Investigation Manual. The shift supervisor will receive all changes in the state manual and ensure conformity with this policy.

502.3 INVESTIGATION OF ACCIDENTS

- (a) Priority of accidents
 - 1. Protect the scene.
 - 2. Check for injured and treat if necessary.
 - 3. Investigate accident.
- (b) Reportable Accidents. All accidents having total damage of \$1,500.00 or more will be thoroughly investigated with appropriate citations issued to violators.
 - 1. All injury accidents will be diagrammed at the scene or as soon after as possible, considering any exigent circumstances.
 - 2. The investigating officer will either provide transportation if in close proximity or do everything possible to see that anyone involved in the accident is not left stranded at the scene.
- (c) Non-Reportable Accidents.
 - 1. Fill out the appropriate accident form.
 - 2. Complete any of subsection (b) if in the investigating officer's opinion it may be needed in the future.

502.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation and reports shall be conducted by an outside agency when a City-owned vehicle is involved in a traffic collision upon a roadway or highway whether any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of the Department, either on or off-duty, is involved in a traffic collision within the jurisdiction of the Centerville Police Department regardless of any damage, serious injury, or fatality the shift supervisor or the Shift Sergeant shall request an outside law enforcement agency for assistance to investigate the collision. Non-reportable

Centerville Police Department

Policy Manual

Traffic Collision Reporting

collisions, not involving another party or vehicle, may be investigated by a department supervisor with the approval of the Chief of Police or Lieutenant.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The responding officer shall request assistance from another Law Enforcement Department for the investigation of any traffic collision involving any City official, vehicle, or employee regardless of the extent of damage or injury.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property when the accident results in injury to, or death of any person, or total property damage to the apparent extent of \$1,500 or more. An incident report may be taken at the discretion of any supervisor. If there is a violation that is enforceable on private property then the appropriate action should be taken.

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when a collision occurs on a roadway or highway within the jurisdiction of the Department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of Utah Code.
- (c) When a report is requested by any involved driver.
- (d) When there is total property damage to the apparent extent of \$1,500 or more.

502.3.6 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

An officer investigating a collision shall indicate in the report whether the accident occurred on a highway designated as a livestock highway, in accordance with Utah Code 72-3-112, when the collision resulted in the injury or death of livestock (Utah Code 41-6a-404).

An officer investigating such a collision shall make reasonable efforts as soon as practicable to (Utah Code 41-6a-408):

- (a) Locate and inform the owner of the livestock of the incident.
- (b) Make arrangements with the owner of the livestock to provide a copy of the collision report or advise the owner where a copy can be obtained.

502.4 NOTIFICATION OF CHIEF OF POLICE

In the event of a traffic collision that results in serious injury or death, the Shift Sergeant or investigating officer shall notify the Chief of Police or Lieutenant and the department PIO to relate the circumstances of the traffic collision. The Shift Sergeant or any supervisor may assign an accident investigator to investigate the traffic collision.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Centerville Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF NOTICE OF IMPOUND

Department members requesting storage of a vehicle shall complete a Vehicle Inventory Report Form and if state tax impounded a state tax report form, including a description of property within the vehicle. The original is to be submitted to the Records Center as soon as practical after the vehicle is stored.

As soon as practical, after removal of the vehicle, the Department shall forward a Vehicle Impound Report Form containing all required information to the Motor Vehicle Division (Utah Code 41-6a-1406(4)).

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer should provide the driver the opportunity to select a towing company and relay the request to the dispatcher. If the driver has no preference as to which towing company to use, a towing company will be selected from the rotational list maintained in Dispatch.

An officer may, without the consent of the owner, remove a vehicle that has been involved in an accident (or remove property from within the vehicle) if the vehicle is blocking a roadway or is otherwise endangering public safety (Utah Code § 41-6a-401.9). If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer should summon an approved towing and storage provider, complete the Notice of Impound Form and store the vehicle.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, perform a practical necessity, or to comply with posted signs.

510.3 TOWING SERVICES

- (a) It shall be the policy of this Department to dispatch requests for non-preference tow vehicles from a rotation list that will be maintained in the dispatch office.
- (b) Investigating officers should exercise discretion and not recommend a particular towing or wrecker service. All requests for a non-preference tow vehicle shall be made to the dispatcher by requesting a rotation tow vehicle be sent to the scene.
- (c) All tow companies have been advised that prompt response shall be required. A maximum of 20 minutes from time of dispatch to time of arrival has been established; however, it is felt that the average response time should be no more than 15 minutes.

Centerville Police Department

Policy Manual

Vehicle Towing and Release

Failure of tow companies to adhere to this time limit will be grounds for a warning. A second offense will be grounds for removal from the rotation tow list.

- (d) Any violations of the response time limit or failure of a service to adequately perform or have properly equipped vehicles should be reported through channels to the Chief of Police so that appropriate action can be taken.

510.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.5 VEHICLE INVENTORY

- (a) All property in a stored or impounded vehicle shall be inventoried and listed on the Vehicle Impound Report Form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.
- (b) It is the policy of this Department that all members conscientiously practice professional techniques in the inventory of vehicles impounded by the Department. The purpose of an inventory is to ensure the safety of the officers and personal property of the owners. All inventories shall be conducted in a professional manner with concern for the rights of the arrestee and his or her property.
- (c) It is the policy of the Centerville Police Department to open all containers while documenting the inventory; however, this policy may allow for some discretion in the opening of containers that do not clearly indicate what is inside. Officers of this Department will be allowed sufficient latitude to determine whether a particular container should or should not be opened in light of the characteristic of the container itself.

Centerville Police Department

Policy Manual

Vehicle Towing and Release

- (d) In the event that a vehicle is impounded by the officer, the Impound Automobile Inventory Form shall be completed in full.

510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated and unconscious drivers who are suspected of driving while intoxicated.

514.2 CHEMICAL TESTING

Most blood, breath and urine tests will be administered within the jail or at the police station. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following is considered to not have withdrawn the consent and the test may be administered whether the person has been arrested or not within the provisions of Utah Code 41-6a-522:

- The person is dead.
- The person is unconscious.
- The person is in any other condition rendering him/her incapable of refusal to submit to any chemical test.

514.2.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner.

514.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

When there is probable cause to believe that an unconscious driver operated a vehicle under the influence and there is no method of informing the individual of the arrest or of the intent to perform one of the two possible chemical tests to determine his/her blood alcohol level, no valid consent can be obtained. This exigency, coupled with a clear indication that evidence will be found as a result of the search, permits a seizure of the driver's blood. The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected by qualified health care professionals in the prescribed manner.

514.2.3 EMERGENCY DOCTRINE

Even when an alcohol-related offense is very serious, a warrantless blood draw should not be considered routine. An officer has a legal obligation to show that under the totality of the circumstances, both probable cause and exigent circumstances, justifies a warrantless blood draw. Therefore, an officer should obtain supervisor approval prior to obtaining a non-consensual warrantless blood draw. Officers who have obtained a non-consensual blood sample should document in their reports why a search warrant was not obtained; these reports should contain the following:

- (a) Relevant times.
- (b) Proximity of a magistrate.

Centerville Police Department

Policy Manual

Impaired Driving and Evidence Collection

- (c) Alternatives to a warrantless blood draw that were considered.
- (d) Delays that may have been faced.
- (e) Any impact of a delay in obtaining a blood sample.
- (f) The point of time in the collision investigation when the decision was made to extract blood without a warrant.
- (g) Other relevant circumstances.

514.2.4 COLLECTING BLOOD EVIDENCE

Only a qualified phlebotomy technician, licensed physician, nurse, paramedic or other qualified individual authorized by the Utah Department of Health (Utah Code 26-1-30(2)(s)) may withdraw a blood sample. Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer.

514.2.5 COLLECTING BREATH AS EVIDENCE

If a breath test is the chosen method to collect evidence and it can be accomplished without undue delay, the arrested person shall if practical be transported to the Police Department for the breath test. If the arresting officer cannot respond to the Police Department, the arrestee will then be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the suspects breath.

514.2.6 COLLECTING URINE AS EVIDENCE

If a urine test is chosen to collect evidence, as permitted by law, the arrested person shall be promptly transported to the Centerville Police Department or Davis County Jail. If taken to the jail the jailer will furnish a urine kit for collecting samples of the arrested person's urine. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

The collection kit shall then be marked accordingly with the suspect's name, offense, department, case number, and the name of the witnessing officer.

The collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

Urine samples shall be collected and/or witnessed by an officer or matron of the same gender as the suspect.

514.3 TEST REFUSAL

If the arrestee refuses to provide any of the requested test, it is strongly encouraged that the arresting officer makes every attempt to obtain an electronic search warrant for the appropriate test.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Chief or Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Center shall be responsible for the accounting of all traffic citations issued to employees of the Department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Department do not have the authority to dismiss a citation once it has been issued. Only the court or Police Chief has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). Any request from a recipient to dismiss a citation shall be referred to the Police Chief. Upon a review of the circumstances involving the issuance of the traffic citation, the Police Chief may request the Patrol Sergeant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Sergeant for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall make the necessary corrections and notify the court of the correction. If the correction is needed after the citation has been approved, the records clerk will need to be notified to have the correction made.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within the Department's primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another officer to respond for assistance as soon as practical.

An officer may remove a vehicle that has been involved in a collision (or property from within the vehicle) without the consent of the owner if it is blocking a roadway or is otherwise endangering public safety (Utah Code 41-6a-401.9).

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY

This policy is available upon request.

Abandoned Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording, and storage of abandoned vehicles that are left unattended on a highway for a period in excess of 48 hours or on public or private property for a period in excess of seven days under the authority of Utah Code 41-6a-1408.

524.2 REMOVAL OF VEHICLES

Vehicles in violation of Utah Code 41-6a-1408 and by order of an officer of the Department shall be removed, at the owner's expense, by a tow truck motor carrier that meets the standards as described in Utah Code 72-9, The Motor Carrier Safety Act.

524.2.1 RECORDING OF VEHICLES IMPOUNDED

Immediately after the removal of the vehicle, a Vehicle Impound Report Form shall be completed and sent to the Motor Vehicle Division. A copy of this form shall also be forwarded to the Records Center. In accordance with Utah Code 41-6a-1406, the form shall include:

- The operator's name, if known.
- A description of the vehicle.
- The vehicle identification number.
- The license number, or other identification number issued by a state agency.
- The date, time, and place of impoundment.
- The reason for removal or impoundment.
- The name of the tow truck motor carrier who removed the vehicle.
- The location where the vehicle is stored.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored at a state impound yard or, if none, a garage, a docking area, or any other place of safety by the authorized tow truck motor carrier and a Vehicle Impound Report Form shall be completed by the officer authorizing the storage of the vehicle and the tow truck motor carrier (Utah Code 41-6a-1406).

Driving Under the Influence Law

526.1 PURPOSE AND SCOPE

The purpose of this policy is to clarify what is expected of officers and other employees who are investigating a Driving Under the Influence (DUI) case or assisting in the process. The scope is generally limited to those issues that specifically relate to the Driver License Division and the administrative procedures related to a DUI arrest.

526.2 SUSPENSION OF UTAH DRIVER LICENSE

The driver's license of a person suspected of driving under the influence of any combination of alcohol, drugs or measurable controlled substance or metabolite shall immediately be suspended under any of the following circumstances (Utah Code 41-6a-520 (2)(b)):

- (a) The arrestee refuses to submit to a chemical test.
- (b) The arrestee fails to complete the selected test.

526.3 PEACE OFFICER'S RESPONSIBILITY

In any of the above situations the officer, acting on behalf of the Driver License Division, shall do the following (Utah Code 41-6a-520 (2)(i-ii)):

- (a) Confiscate the Utah license, certificate, or permit.
- (b) Issue a temporary license effective for only 29 days.
- (c) Issue to the driver a form approved by the Driver License Division regarding how to obtain a hearing before the Driver License Division.

526.4 DRIVER LICENSE DIVISION NOTIFICATION

The officer shall submit a signed report, within 10 calendar days after the date of the arrest, stating that the officer had grounds to believe the arrested person (Utah Code 41-6a-520 (2)(d)):

- (a) Had been operating or was in actual physical control of a motor vehicle while under the influence of any combination of alcohol, drugs, or measurable controlled substance or metabolite in violation of Utah Code 41-6a-520.
- (b) That the driver had refused to submit to a chemical test(s).

526.5 PROCESSING OF FORMS

In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

526.5.1 SUPERVISORY APPROVAL

The Shift Sergeant or the supervisor responsible for approving reports shall collect the documents described in § 526.4, and review for completeness (dates, times, signatures).

526.5.2 RECORDS DIVISION RESPONSIBILITY

The Records Division is responsible for the following:

Centerville Police Department

Policy Manual

Driving Under the Influence Law

- (a) Copies of documents required by the Driver License Division are to be made for the Department files and the originals are then to be forwarded to the Driver License Division.

526.5.3 EVIDENCE OFFICER RESPONSIBILITY

It is the responsibility of the evidence officer to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.

DUI Enforcement

527.1 PURPOSE AND SCOPE

The purpose of this General Order is to provide guidelines and policy directives regarding the detection and enforcement of driving under the influence.

527.1.1 POLICY

All persons suspected of driving or under actual physical control of a motor vehicle while under the influence of intoxicants shall be stopped, questioned, and tested according to procedures and guidelines, ensuring that safe, efficient, and professional service is rendered to those persons. The investigating officer shall also conduct the investigation in such a manner that will not place the officer, suspect, or other citizen in jeopardy. The investigation shall be an aid to the eventual prosecution and disposition of the case. Patrol officers shall receive training on DUI detection and apprehension. Officers should be aware that any traffic vehicle stop could result in a DUI investigation and should watch for signs of impairment.

527.1.2 PROCEDURE

- (a) Detection And Apprehension. Detection and apprehension is the period of time commencing with the observation of the suspected impaired driver and terminating when he or she has been arrested or released.
- (b) Making Initial Observations. Officers can detect the suspected impaired driver by means of, but not limited to:
 - 1. Obvious traffic violations.
 - 2. Erratic or other unsafe driving patterns.
- (c) Selection of the Location. Follow the vehicle long enough to establish justifiable reasonable cause for the stop and to form the suspicion that the driver may be under the influence of drugs or alcohol. Avoid following the vehicle any further than necessary for a safe stop once you have reached that level of suspicion.
 - 1. Consider the availability of lighting and traffic volume. Just prior to and immediately after the stop, watch for suspicious movements on the part of the driver and/or passengers.
- (d) Contacting the Driver.
 - 1. Approach to the vehicle:
 - (a) Observe trunk and back seat while approaching.
 - (b) Observe driver's hands as soon as possible, then keep them in view.
 - (c) Keeping safety in mind, get close enough to smell the odor of an alcoholic beverage emitting from the driver's breath, person, or coming from the vehicle. Any strong odor may be the result of the driver attempting to cover-up the odor of alcohol.
 - (d) Look for alcoholic containers inside the vehicle using the plain view doctrine as a guideline.
- (e) Explanation of Stop.

Centerville Police Department

Policy Manual

DUI Enforcement

1. Identify yourself, your agency, and why you stopped the driver.
2. State only the actual reason for the stop, such as lane hugging, speeding, etc.
3. Ask the driver to step out of the vehicle.
 - (a) Observe how subject exits the vehicle. Does the subject stumble or hold onto the vehicle when walking.
 - (b) Have passengers remain in the vehicle unless good judgment indicates otherwise.
 - (c) Officers should avoid talking to the subject or conducting the field sobriety tests in a position between your vehicle and the suspect's vehicle.

527.1.3 CONDUCTING THE FIELD SOBRIETY TEST

- (a) Decision to conduct. Consider the following:
 1. The hostile attitude of the driver, passengers, or the neighborhood;
 2. The availability of a back-up officer;
 3. If the location presents a traffic hazard;
 4. If there are any adverse terrain or weather conditions present; and
 5. A back-up officer is recommended anytime field sobriety tests are conducted.
- (b) Standardized Field Sobriety Tests Are Recommended.
 1. Administrative Conditions: Officers should have training in the latest protocol for conducting field sobriety tests, as prescribed by the National Highway Traffic Safety Administration (NHTSA).
 - The tests should be given on reasonably level ground, on a hard, non-slippery surface, and under conditions in which there would be no danger should the subject fall. Require the subject to perform the tests elsewhere if these conditions cannot be met.
 - The investigating officer should have a back-up officer present.
 - The subject must be able to see to perform the tests. Adequate lighting must be available. Utilize vehicle lights to illuminate the area.
 2. Tests
 - (a) Nystagmus. Officers trained and qualified in nystagmus can use these results in their field sobriety testing process.
 - (b) Walk and Turn Test. Explain and demonstrate the heel to toe test. Should the subject have difficulty with this maneuver, have the subject repeat the test from the point of difficulty, not from the beginning. This test tends to lose its sensitivity if it is repeated several times.
 - (c) One Leg Stand Test. Have the subject stand with heels together, and arms down at their sides, (demonstrate the position). Then have the subject lift one leg about six inches off the ground and hold that position for 30 seconds. You should designate which foot you want the subject to hold up.
 3. Additional tests may be conducted.
 - (a) Alphabet
 - (b) Finger-to-nose

Centerville Police Department

Policy Manual

DUI Enforcement

- (c) Romberg
- 4. Tests to be Avoided.
 - (a) Officer will avoid using the walk around the flashlight test.
 - (b) The hand slapping test should be avoided.

527.1.4 ARREST

- (a) **Arresting the Subject.** If possible have another officer available at the time you advise the driver he or she is under arrest.
 - 1. Always search and handcuff the arrested person.
 - 2. If one officer is transporting with a cage car, arrestee should be placed in the caged area, handcuffed and the seatbelt secured. Whenever possible have the subject transported in a caged patrol vehicle.
 - 3. Officers should always check the arrested person's mouth for foreign objects prior to transport.
- (b) **Disposition of Passengers and Vehicle.** Any time you make an arrest where the arrestee is in a vehicle, you must make arrangements for protecting the vehicle while arrestee is in your custody. Department policy is that the vehicle be handled in accordance with State Law. If an arrest is made and the vehicle is impounded pursuant to Department policy and there are passengers in the vehicle that are not arrested, the arresting officer will make a reasonable attempt to secure transportation to a safe location for those not arrested. Passengers may drive if:
 - 1. They are not impaired in any way for safe operation; and
 - 2. They are the registered owner of the vehicle.
- (c) **Blood Alcohol/Drug Level.** All arrestees shall be given the opportunity to submit to an Intoxylizer or other Intoxylizer test to determine the alcohol content of their blood or a urine or blood test to determine the alcohol or the drug content of the body fluids. If the person refuses to submit to the test, the officer is to fill out the appropriate indication of same on the State DUI Report Form. Officers are strongly encouraged to seek a search warrant for a blood draw in cases where the person refuses test. In cases where drugs are the suspected cause of impairment, it is strongly recommended that a D.R.E. be called for a full evaluation.
- (d) **Disposition of Arrestee.** All adults arrested for DUI should be booked into the Davis County Jail.

527.1.5 ROADBLOCKS AND TRAFFIC CHECKPOINTS

- (a) **Purpose.** The purpose of holding roadblocks as a tactic for enforcement against DUI violations is to increase enforcement and the public's perception of enforcement activities. Through increased perception of possible arrest at roadblocks, this particular tactic is valuable as a deterrent for those people who drink and drive.
- (b) **Traffic Checkpoint Guidelines.** All personnel employing a roadblock shall adhere to all of the following Departmental guidelines:
 - 1. All roadblocks must be approved by the Chief of Police and comply with current laws relating to roadblocks, including, but not limited to the Administrative Traffic Checkpoint Act as set forth in Utah Code Ann. §§ 77-23-101, et seq.

Centerville Police Department

Policy Manual

DUI Enforcement

2. Selection of a suitable location that provides sufficient area for the setting up of a roadblock is important. Considerations must be made that allow for maximum safety for both the motoring public and the officers assigned to the roadblocks.
3. All roadblocks will be advertised in a local paper.
4. Manning of roadblock shall consist of a minimum of four officers including a Supervisor. The Supervisor shall have authority to make all decisions regarding the operation of the roadblock in the field, and will ensure the compliance to Departmental guidelines concerning the operation of the roadblock.
 - If the roadblock is a joint enforcement effort between our Department and other Departments, members of this Department shall work under the direction of the designated field supervisor from the agency in whose jurisdiction the roadblock is being held.
5. The City Prosecutor's Office shall be notified in advance of all roadblocks, and shall be given the opportunity to send a representative to each briefing and roadblock.
6. Briefings shall be held prior to each roadblock. During each briefing, assignments will be made. A review of relevant laws concerning roadblocks shall be given. During the briefing, the criteria regarding the number of vehicles that will be directed into the roadblock will be given. This criteria will depend on the total number of officers assigned to the roadblock. The actual decision of the number of vehicles that will be checked each time, shall be made by the Supervisor in charge.
 - (a) Once the decision regarding the number of vehicles that are to be directed into the roadblock has been made, officers assigned to direct vehicles into the roadblock shall not make arbitrary changes regarding which vehicles are to be stopped. Only the roadblock supervisor can make changes to the number of vehicles directed into the roadblock and only in accordance with the approved roadblock plan. The following assignments shall be made during the briefing:
 1. One officer at the beginning of the roadblock to direct traffic either into or around the roadblock; and
 2. The remainder of assigned officers shall be deployed along the length of the roadblock lane for the purpose of actually checking vehicles directed into the stopping area.
7. Transportation to the county jail shall be handled by roadblock personnel or regular on-duty field units as required.
8. One chase car shall be positioned and available near the roadblock that can be used by officers if needed.
9. Field deployment shall be as follows:
 - (a) One marked police car shall be placed approximately 25 to 30 yards prior to the actual start of the roadblock. All emergency lights and warning flashers shall be on. The vehicle shall be facing the same direction as the actual traffic proceeds on that particular street;
 - (b) Starting at the front bumper of the police car listed in Subsection (A), traffic cones shall be placed down the actual roadblock lane. These cones shall be placed on the road in a zig-zag manner, thus allowing the officers added protection. The cones will designate the end of the roadblock lane, after which officers on foot shall not stop vehicles; and

Centerville Police Department

Policy Manual

DUI Enforcement

- (c) All other police units shall be parked in a safe location off the roadway. If private property is to be utilized permission should be obtained from the property owner.

10. Field Contact

- (a) Field contact between officers and those stopped shall be done in a professional manner.
- (b) Upon making contact with the occupants of a stopped vehicle, officers shall comply with the guidelines as outlined in the approved roadblock plan.
- (c) If asked the reason why the roadblock is being held, officers shall courteously explain that the Department is attempting to reduce the number of persons that are operating a motor vehicle while under the influence of an alcoholic beverage or drugs through increased visible enforcement activity.
- (d) Officers shall use this contact time to observe the operator of the vehicle for signs of intoxication as described in this order.
- (e) If the occupants of the vehicle stopped have been observed violating a law, or if there is sufficient probable cause to believe they have, the vehicle and its occupants shall be directed to the parking area, out of the roadblock checking lane for further actions. If the violation is for DUI, all field sobriety tests shall be given in the established area.
- (f) Once the predetermined number of vehicles has been directed into the checking lane, those officers assigned to direct traffic shall flag all oncoming traffic around the roadblock. Additional vehicles that are to be checked shall not be directed into the roadblock until vehicles that are currently in the checking lane have either been allowed to continue or directed off of the road for further investigation.

- 11. Each arresting officer is responsible for the submission of reports and the proper handling of any evidence obtained during the arrest. All reports shall be submitted at the end of the roadblock. The supervising officer at the roadblock will prepare a summary report about the roadblock. This report will include date, time, location, number of officers used, number of warnings and citations issued, DUI, and alcohol arrests. Any citizen complaints or positive comments will be included. This report will be given to the Chief of Police.

Centerville Police Department
Policy Manual

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed without the authorization of a Sergeant, Lieutenant, or the Chief of Police.

600.3 CUSTODIAL INTERROGATION

600.3.1 DEFINITIONS

Custodial interrogation - Express questioning or its functional equivalent that is conducted by a law enforcement officer from the time the suspect is, or should be, informed of his/her *Miranda* rights, until the time that the questioning ends. It does not include questions asked by law enforcement personnel, and the suspect's responsive statements, which are part of the routine booking process.

Electronic recording - An analog or digital recording that includes the audio representations of any interrogator and the individual involved in a custodial interrogation. A videotape, analog or digital recording that includes both audio and visual representations of any interrogator and individual in a custodial interrogation is also an electronic recording. Officers are encouraged, if video recording, to position the camera to capture facial images of the individual being interrogated.

Fixed place of detention - A jail, police or sheriff's station, holding cell, or a correctional or detention facility.

600.3.2 CUSTODIAL INTERROGATION REQUIREMENTS

- (a) Subject to the exceptions listed in subsection (d) below, any custodial interrogation of a person who is in a fixed place of detention and who at the time of the interrogation is suspected of having committed any violent felony offense, as defined in Utah Code 76-3-203.5(1)(c)(i), should be electronically recorded in its entirety.
- (b) Where the site of the interrogation is not a fixed place of detention, officers are nonetheless encouraged where practicable to electronically record the custodial interrogation of a person suspected of committing any violent felony offense
- (c) All electronically recorded custodial interrogations should not be destroyed or altered until a conviction for any offense relating to the interrogation is final and all direct and collateral appeals are exhausted or the prosecution for that offense is barred by law. The interrogating entity may make true, accurate, and complete copies of the electronic recording, whether in the same or a different format.
- (d) The guidelines for electronic recordings of a custodial interrogations are not applicable if:

Centerville Police Department

Policy Manual

Investigation and Prosecution

1. The suspect refuses to speak if the interrogation is electronically recorded. Any such refusal should be documented either by electronic recording demonstrating such refusal or through a written statement signed by the suspect.
 2. Despite the reasonable good faith efforts of the officer to obtain or provide recording equipment, recording equipment is not reasonably available during the period of time that the suspect is lawfully detained.
 3. The recording equipment malfunctions and replacement equipment is not reasonably available.
 4. Despite the reasonable good faith efforts of the officer to record the interrogation, the recording equipment, without the officer's knowledge, malfunctions or stops operating.
 5. The officer conducting the custodial interrogation reasonably believes that the crime of which the person is suspected of committing is not a violent felony offense.
 6. Exigent circumstances render electronic recording impossible or impracticable.
- (e) Officers should continue to prepare written summaries of custodial questioning and continue to obtain written statements from suspects.

600.4 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

600.5 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

- (a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.
- (b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.
- (c) When practicable, the employee presenting the photographs to a witness should not know which photograph depicts the suspect.

Centerville Police Department

Policy Manual

Investigation and Prosecution

- (d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.
- (e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.
- (f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.
- (g) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness is not obligated to make an identification.

The procedure employed and the result of any photographic lineup should be documented in the case report. A copy of the photographic lineup that was presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.

600.5.1 PHOTO IDENTIFICATION FORM

The Investigation supervisor shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy.

The form, at minimum, shall contain the following:

- The date, time and location of the lineup procedure
- The name and identifying information of the witness
- The name of the employee administering the lineup procedure
- The names of all of the individuals present during the lineup
- An admonishment that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification
- A signature line where the witness acknowledges that he/she understands the lineup procedures and instructions

The photo identification form should be reviewed at least annually and modified when necessary.

Sexual Assault Victims' Rights

602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding HIV testing, their right to confidentiality, and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense may keep the identity of the victim and the report confidential if any of the following circumstances are present:

- (a) The report would reveal the victim's medical history, diagnosis, condition, treatment, evaluation or similar medical data (Utah Code 63G-2-302(1)(b)).
 - 1. Medical records may also include statements relative to medical history, diagnosis, condition, treatment, and evaluation (Utah Code 63G-2-302(3)(a)).
- (b) The disclosure of the report would jeopardize the life or safety of an individual (Utah Code 63G-2-305(10)).
- (c) The disclosure of the report could be expected to interfere with the investigation (Utah Code 63G-2-305(9)(a)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of sexual assault as defined in Utah Code, Title 76 Chapter 5 Part 4, the assigned officer should accomplish the following:

- (a) Inform the victim of their right to request a test for the HIV infection.
- (b) Inform the victim of The Crime Victim Reparations Fund.
- (c) Inform the victim of available counseling and support services provided by the Department of Health.

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Centerville Police Department and the officers using informants, it shall be the policy of the Department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The investigative division Supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos, or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es), and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of officer initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the investigative division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Sergeant, the investigative division Supervisor, or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the investigative division Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

Centerville Police Department

Policy Manual

Confidential Informants

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. The use of juvenile informants between the age of 13 and 18 years is only authorized by court order.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of the Department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Centerville Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty or otherwise become intimately involved with a confidential informant. Members of the Centerville Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees, or agents of the Centerville Police Department and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation and only with prior approval of the investigative division Supervisor.
- (g) Officers shall not meet with informants of the opposite gender in a private place unless accompanied by at least one additional officer or with prior approval of the investigative division Supervisor. Officers may meet informants of the opposite gender alone in an occupied public place such as a restaurant. When contacting informants of either gender for the purpose of making payments, officers shall arrange for the presence of another officer whenever possible.
- (h) In all instances when Department funds are paid to informants, a voucher itemizing the expenses shall be completed in advance.

Centerville Police Department

Policy Manual

Confidential Informants

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The investigative division Supervisor will discuss the above factors with the Patrol Sergeant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

608.5.2 CASH DISBURSEMENT

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether assets are also seized, not to exceed a maximum of \$30,000.

608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the investigative division Buy/Expense Fund. The investigative division Supervisor will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the Cash Transfer Form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Centerville Police Department case number shall be recorded on the Cash Transfer Form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Centerville Police Department

Policy Manual

Confidential Informants

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

Centerville Police Department
Policy Manual

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command any loss, damage to, or unserviceable condition of any Department-issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate officer report of the loss or damage.

The supervisor shall direct a memo to the appropriate Department Head, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by Staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Lieutenant or the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment) that are not reasonably required as a part of work.

Centerville Police Department

Policy Manual

Department-Owned and Personal Property

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Department Head.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled, and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. The officer will immediately notify his immediate supervisor who will then notify the Lieutenant of the problem and make arrangements to have the vehicle repaired.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Equipment To Be Maintained In Each Department Vehicle. All officers will be responsible for all care and maintenance of all assigned equipment carried or assigned to their vehicle (refer to Vehicle Equipment Form). Willful or negligent abuse of property or equipment will be grounds for disciplinary action.

704.3.2 UNMARKED VEHICLES

Unmarked vehicles will be used by the Chief of Police, Lieutenant, and Detectives. It is required that they have in their vehicles at all times all equipment necessary to do their assigned duties.

704.4 VEHICLE REFUELING

It is recommended that all Department vehicles refuel their vehicles before going below one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times, and weather conditions permitting, shall be washed as necessary to enhance their appearance.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the out of service placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

The Department utilizes City-owned motor vehicles in a variety of applications operated by Department personnel. In order to maintain a system of accountability and ensure City-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City-owned" as used in this section also refers to any vehicle leased or rented by the City.

706.2 USE OF VEHICLES

Definition of Code 1, Code 2, & Code 3

Code 1 - No red or blue lights or siren and obey traffic laws.

Code 2 - Red or blue lights to front with no siren or siren with no red or blue lights.

Code 3 - Red or blue lights and siren.

When driving a Department vehicle, officers shall obey all traffic laws except in cases of emergency and then only in accordance with Utah Code Ann. § 41-6-14, as amended, and Department policy, exercising prudence and sound judgment. A member will operate a Department vehicle at all times in such a manner as to avoid injury to persons or damage to property.

706.2.1 TRANSPORTING PRISONERS

Prior to placing a prisoner in a vehicle, members shall carefully search the prisoner and take possession of all weapons and evidence.

Proper care and procedure should be used when searching persons of the opposite sex; if at all possible, the search should be conducted in front of the patrol car's video system.

Any officer transporting a prisoner of the opposite sex will notify the dispatcher of location and odometer reading at the beginning and end of the transport.

Female prisoners should not be transported in the same vehicle with male prisoners. Every effort should be taken to prevent an opportunity for allegation of misconduct.

706.2.2 P.O.V./CITY VEHICLES

Except in situations of personal safety, no officer will use a Department vehicle to push or pull another vehicle.

City owned vehicles will not be utilized for carrying heavy or excessive loads.

Members will not use their privately owned vehicle on police business without authorization from the Chief of Police or supervising officer. If use is necessary compensation will be made at the going IRS rate.

Centerville Police Department

Policy Manual

Vehicle Use

706.2.3 ALCOHOLIC BEVERAGES

Under no circumstances will police vehicles be utilized by on or off-duty officers who are consuming or have within the previous four hours consumed alcoholic beverages or who have the odor of alcohol on their breath.

706.2.4 SECONDARY EMPLOYMENT AND OFF-DUTY LOGS

Officers may use the vehicle to drive to and from secondary employment. However, the vehicle may not be used as part of the employment unless approved by the Chief of Police. Boundary limits are the same as defined in section 706.8

Officers shall maintain a daily log of all off-duty activities such as responses, citizen assists, etc. These logs will be turned in daily.

706.2.5 AUTHORIZED PASSENGERS

No member of the Department shall allow at anytime an unauthorized person to operate a Department vehicle. Members shall not permit anyone other than authorized employees to ride in Department vehicles, except such persons as are required to be conveyed in the performance of duty, other certified Police, Military Police, members of the officer's immediate family, or as authorized by the order of a Supervisor.

706.2.6 PARKING

Parking Vehicles. All personnel shall park their vehicles in a practical and proper manner and lock the vehicle except when police emergency or safe response necessitates otherwise.

706.2.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 SECURITY

- (a) Officers shall remove or secure all weapons in any vehicle while it is unattended or being serviced.
- (b) The in-car computer should be removed at the end of an officer's shift and stored inside the officer's residence or at the department to avoid theft or damage.
- (c) Vehicles shall be locked when not attended.

When an employee is on vacation, leave, or out of the area in excess of one week, it is encouraged that the vehicle shall be stored in a secure garage at the employee's residence or at the police department.

706.3.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal vehicle key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

Centerville Police Department

Policy Manual

Vehicle Use

706.4 OFF-DUTY STATUS WHEN IN DEPARTMENT VEHICLE

Each officer when in a Department vehicle will be required to have with him or her police identification, Department authorized sidearm, and all necessary equipment and materials to perform the police function. The police radio will be on and monitored. Officers will be able to respond to requests for assistance, officer distress, and emergency situations. If an officer receives a dangerous assignment, all non-police personnel will be dropped off at a safe place.

When off-duty, officers may wear any dress appropriate to their activities. However, dress should be appropriate to represent the Department in public contact.

706.5 MAINTENANCE

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
 - 1. Employees may use the wash bay at the public works facility.
 - 2. Cleaning/maintenance supplies will be provided by the Department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with this policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the standard maintenance schedule.
- (e) All city owned vehicles are subject to inspection and or search at any time by a supervisor. Employees have no expectation of privacy with respect to the vehicle or its contents.

706.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions, or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Lieutenant.

706.6 ACCIDENT DAMAGE, ABUSE AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, an outside law enforcement agency should be summoned to handle the investigation.

The employee involved in the collision shall complete the City's vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

Centerville Police Department

Policy Manual

Vehicle Use

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

706.7 TRAVEL OUT OF JURISDICTION

Officers are authorized to use their assigned vehicle while off-duty. The boundaries for their off-duty use will be the Davis County boundary lines. Travel outside the limits of Davis County must receive approval by the Chief of Police or supervisor. Officers temporarily residing outside of Davis County limits will need prior approval from the City Manager and Chief of Police before using their vehicle to and from the office. Officers living outside of Davis County will use the vehicle for commuting purposes only and reimburse the city at the current IRS mileage rate for every mile traveled outside the county lines.

Warrant Service. All officers serving warrants outside Centerville City will contact the Chief of Police or a supervising officer noting which officers are serving warrants and approximately the area of service.

Department Motorcycles

707.1 PURPOSE AND SCOPE

It is the purpose of this General Order to establish guidelines regarding the use and maintenance of Department motorcycles.

707.2 POLICY

- (a) Permitted Use. Department motorcycles are intended for use in enforcing State, County, and City laws and ordinances and for enforcing violations of the Centerville City Trail System and the Water Shed Abuse Act. Department motorcycles are not equipped for use in emergency capacity, including pursuit situations, and should not be used for such unless the officer has reasonable cause to believe that the situation involves an immediate threat of serious harm to an officer or citizen.
- (b) Officers operating Department motorcycles must have a valid Utah motorcycle license.
- (c) Safety Equipment.
 - 1. At all times while motorcycles are being operated, a minimum of a DOT approved helmet and eye protection will be worn. Because of personal hygiene, these items shall be furnished by the officer.
 - 2. Officers operating Department motorcycles must have a valid Utah motorcycle license.
 - 3. Additional recommended protection includes: face protection, gloves, boots, and other protective equipment deemed necessary by the officer.
- (d) Operation and Maintenance.
 - 1. Before riding the motorcycle, officers shall check all fluid levels. Upon returning, officers shall clean and fill the motorcycle with gas.
 - 2. Officers must stay in direct contact with each other when the motorcycles are in use, unless assigned to another type of duty or special deployment, in which case instructions will be given to the assigned officer(s) being deployed.
- (e) In addition to the provisions set forth herein, the operation of department motorcycles shall be subject to the relevant provisions of the manual regarding department vehicles.

Centerville Police Department
Policy Manual

Chapter 8 - Support Services

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping, and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with a Property Form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Property Return Form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property should observe the following guidelines:

- (a) Complete the Property and Evidence Form describing each item of property separately, listing all serial numbers, date, time and location of the property, owner's name, suspects name, and other identifying information or markings.
- (b) All evidence will be properly sealed and initialed by the case officer.
- (c) The Evidence and Property Form shall be submitted with the property in the temporary property locker. If property is stored somewhere other than a property locker, the Evidence and Property Form will still be placed in the evidence locker identifying where the property is being stored.
- (d) When the property is too large to be placed in a locker, the item may be retained in the large storage room. Submit the completed property record into a numbered locker indicating the location of the property.

Centerville Police Department

Policy Manual

Property and Evidence

804.3.2 NARCOTICS AND DANGEROUS DRUGS

Controlled substances will be tentatively identified by the seizing officer along with a total count or weight of the substance. The weight will include the sealed evidence bag in which the substance is stored. The evidence bag will be properly sealed and initialed prior to being placed into the evidence locker. Upon being received by the evidence officer, a confirming count or weight measure will be made and the item will be receipted to the officer and filed in the evidence room or destroyed. After all court procedures are completed and the evidence is due to be destroyed, the evidence officer will prepare the evidence for destruction; however, before any evidence is destroyed the evidence officer will notify the Chief of Police who will witness the destruction of any and all evidence and verify this destruction by signing the evidence locator sheet.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) All bicycles and bicycle frames require a property report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence officer or placed in the bicycle storage area until a evidence officer can log it in.
- (c) All cash shall be counted in the presence of a supervisor, if no supervisor is available another officer or department employee will suffice. The envelope shall be initialed by the booking officer and the supervisor or other witness. The Shift Sergeant or on call supervisor shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 DRUG COLLECTION/DISPOSAL PROGRAM

- (a) The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications.
 - 1. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems, which may later negatively affect the environment.

Centerville Police Department

Policy Manual

Property and Evidence

2. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse of children in the home.
- (b) Centerville Police Department will provide steel mailbox style collection boxes in which citizens may deposit these medications.
 1. Collection boxes shall be clearly marked with the following signage: Agency Name and a cautionary statement.
 2. Collection boxes shall be locked and securely mounted in the lobby to prohibit removal of the box or retrieval of medications from within the box without a key.
 3. Citizens may place their unused medications/drugs into the collection box anonymously.
 4. Medications can be placed into plastic bags provided at the drop location or place the entire prescription bottle into the drop box.
- (c) The Evidence Unit will be responsible for collection of the deposited medications.
 1. The Evidence Unit will be the sole possessor of the keys to the collection boxes.
 - (a) Staff will not have access to the contents of the collection boxes.
 - (b) Administrative Staff may monitor the collection of the drop box contents with Evidence Staff. This allows Administration the ability to survey the kinds of drugs and medications that are being disposed of. This information can be used for evaluation and decisions regarding the program.
 2. The Evidence Unit will assign a case number and document each collection on a supplemental report. This allows for tracing of data to monitor the programs benefits.
 3. The Evidence Unit will collect the deposited drugs on a frequency deemed necessary based on the usage.
 4. The Evidence Unit will bag the deposited drugs, document a general description of the contents, provide a weight of the contents, and place into evidence pending destruction.
 5. The Evidence Unit will report total weight of collected medications to the Utah Department of Environmental Quality (UDEQ).
 6. The Evidence Unit will destroy the collected medications by incineration through a contracted provider of this service, Integrated Waste Management and/or Stericycle.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Paraphernalia as described in Utah Code 58-37a-3.
- (e) Fireworks.
- (f) Contraband.

Centerville Police Department

Policy Manual

Property and Evidence

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged and placed in the evidence locker. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

804.5 RECORDING OF PROPERTY

The evidence officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received, and where the property will be stored on the evidence sheet.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the evidence sheet.

Any changes in the location of property held by the Centerville Police Department shall be noted in the Property Logbook.

804.6 PROPERTY CONTROL

Each time the evidence officer receives property or releases property to another person, he/she shall enter this information on the evidence sheet. Officers desiring property for court shall contact the evidence officer at least one day prior to the court date.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the evidence sheet and the request for laboratory analysis.

The evidence officer releasing the evidence must complete the required information on the evidence sheet and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Center for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the evidence sheet, stating the date, time and to whom released.

Centerville Police Department

Policy Manual

Property and Evidence

Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the evidence sheet, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence custodian shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the Property Form or must specify the specific item(s) to be released. Release of all property shall be documented on the Property Form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. If the owner of any unclaimed property cannot be determined or notified, or if the owner has been notified and fails to appear and claim the property, the agency shall (Utah Code 77-24a-5):

- (a) Publish at least one notice (giving a general description of the property and the date of intended disposition) of the intent to dispose of the unclaimed property in a newspaper of general circulation within the county.
- (b) Post a similar notice in a public place designated for notice within the law enforcement agency.

The final disposition of all such property shall be fully documented in related reports.

An evidence officer shall release the property upon proper identification being presented by the owner for which an authorized release form has been received. A signature of the person receiving the property shall be recorded on the original Property Form. After release of all property entered on the property control card, the card shall be forwarded to the Records Center for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log Form.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

Centerville Police Department

Policy Manual

Property and Evidence

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The evidence custodian will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of the Department, including paraphernalia as described in Utah Code 58-37a-3.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal. The evidence officer shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds, and related equipment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics (Utah Code 58-37)
- Unclaimed, stolen, or embezzled property
- Destructive devices

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after 90 days of being posted, as described in § 804.6.5, the Department shall notify the person who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-24a-5(2)(a)).

804.7.3 PRESERVATION OF BIOLOGICAL EVIDENCE

The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The investigative division Supervisor

Biological evidence shall be retained for a minimum of 12 months. Following the retention period, notifications should be made by certified mail and should inform the recipient that the

Centerville Police Department

Policy Manual

Property and Evidence

evidence will be destroyed within 12 months unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the investigative division Supervisor.

Biological evidence related to a homicide and sexual felony crimes punishable by minimum mandatory penalties shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

804.8 UNCLAIMED PROPERTY

It is the policy of the Department to comply with the provisions of State law regarding unclaimed personal property as set forth in Utah Code Ann. §§ 77-24a-1, et seq., as amended.

- (a) Unclaimed Property Defined. **Unclaimed property** - means tangible property that comes into the possession of a peace officer or law enforcement agency as evidence or by delivery from persons claiming to have found the property:
 - 1. That remains unclaimed by any person identifying himself as the owner of the tangible property; or
 - 2. For which no owner can be found after a reasonable and diligent search.
- (b) Jurisdiction. As provided by State law, all unclaimed property coming into the possession of a peace officer or law enforcement agency shall be turned over to, held, and disposed of only by the local law enforcement agency whose authority extends to the area where the item was found.
- (c) Statement. A person finding unclaimed property and delivering it to the Department or an officer shall be required to sign a statement included in a form provided by the Department, stating how the property came into his or her possession, including the time, date, and place, and stating that he or she does not know who the owner of the property is, that the property was not to his or her knowledge stolen, that his or her possession of it is not unlawful, and providing any information he or she is aware of which could lead to a determination of the owner. Other information may be requested by the Department, as necessary.
- (d) Identification of Owner. The Department shall take reasonable steps to determine the identity and location of the owner, and notify him or her that the property is in custody. The owner may obtain the property only by making identification of himself or herself and of the property, and paying any costs incurred by the Department, including costs for advertising or storage, as more particularly provided herein.
- (e) Notice of Intent to Dispose. If the owner of any unclaimed property cannot be determined or notified or if the owner is determined and notified and fails to appear and claim the property after three months of its receipt by the Department, the Department shall provide notice of intent to dispose in accordance with the provisions of Section 77-24a-5, as amended, and may thereafter dispose of such property in accordance with the provisions of Title 77, Chapter 24a.
- (f) Finder. If no claim has been made for unclaimed property after proper notice and waiting period set forth by law, the Department shall notify the person who turned the property over to the Department, if any. Such person may take the unclaimed property if he or she pays the costs incurred by the Department for advertising and storage and signs a receipt for the item. If the person who found the unclaimed property fails to take the property under the provisions of this chapter, the Department shall dispose of

Centerville Police Department

Policy Manual

Property and Evidence

that property and any other property that is not claimed under this policy as provided by Section 77-24a-4.

- (g) Prohibitions. Any person employed by the Department who finds tangible property may not claim or receive property.
- (h) Fees. The following minimum listed fees may be assessed to the owner, the finder, or against the proceeds of the sale and disposition of unclaimed property. Additional fees may be charged for actual costs incurred by the Department for advertising and storage of the unclaimed property.
 - 1. Handling, processing and advertising. \$20.00
 - 2. Daily storage fee. \$0.50
 - 3. Cost for sale (Including transportation \$5.00 to sales site and auction costs).

804.9 ADMITTANCE TO EVIDENCE ROOM

Admittance to the Evidence Room should be restricted to the evidence custodian(s), the evidence supervisor, and others specifically designated by the Chief of Police. All other individuals entering the Evidence Room require escort and an Evidence Room access log entry shall be made indicating:

- (a) Date and time of entry and exit.
- (b) Name of individual(s) entering the Evidence Room.
- (c) Reason for entry.
- (d) Name of the escort.

804.9.1 UTILIZED BY THE DEPARTMENT

Any evidence such as weapons, paraphernalia, drugs, etc. that can be utilized by the Department, used in drug kits, or other means of public education will be so noted on the Evidence Control Form along with the use and destination of the item.

Records Center Procedures

806.1 PURPOSE AND SCOPE

The Records Manager shall maintain the Records Center Policy Manual on a current basis to reflect the procedures being followed within the Evidence Room. Policies that apply to all employees of this division are contained in this chapter.

806.1.1 POLICY

All Department records shall be maintained and accessed in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code Ann. §§ 63-2-101, et seq., as amended, and in accordance with the Utah Municipal Retention Schedule as adopted by the City. The use and creation of Criminal History Record Information shall comply with all State and Federal regulations regarding such information including, but not limited to the Utah Criminal Investigations and Technical Services Act, as set forth in Utah Code Ann. §§ 53-10-101, et seq., as amended.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Center accessible only to authorized personnel.

Centerville Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

- (a) Only authorized personnel, which is defined as police department employees, will be permitted entry into the records security area.
- (b) Original reports will not be removed from the Police Department. Exceptions will be made for court purposes with supervisor approval.

806.3 DEFINITION OF CRIMINAL HISTORY INFORMATION

- (a) **Criminal History Information** - Defined. Criminal History information consists of notations of arrests, detention, indictment, information, or other formal criminal charges and any disposition stemming from such charges; including sentencing, correction, supervision, and release when coupled with identifiable descriptions of individuals. The term also includes records or dismissals or decisions to drop charges.
 - 1. Regulations governing Criminal History information do not apply to intelligence or investigative information such as suspected criminal activity, association with criminal enterprises, financial information, ownership of property, or other personal information.
 - 2. The regulations also do not apply to psychiatric records, social histories, or other evaluative types of data, or to identification information, such as fingerprint records or photographs, where such information does not indicate a specific

Centerville Police Department

Policy Manual

Records Center Procedures

involvement of the person in the criminal justice system. The regulations also do not apply to statistical data which does not identify particular individuals.

- (b) As a criminal justice agency, Centerville Police Department has a legal responsibility to provide the highest possible level of completeness and accuracy on all Criminal History Record Information which it disseminates to other agencies or individuals.
- (c) **Dissemination of Criminal History Information**
 - 1. Access to Criminal History Information. Access to Criminal History information will be through the Records Unit. Members of the Department shall not obtain Criminal History information for the purpose of passing it along to unauthorized persons or agencies.
 - (a) Dissemination of Criminal History information is limited to criminal justice agencies for use in criminal justice activities or for employment screening by the criminal justice agency and to the individual who has the right to review and challenge criminal history information about themselves. (This right of the individual does not include intelligence or other notations not classified as criminal history information).
 - (b) Dissemination of information to non-criminal justice agencies is not authorized. Review of records by a private individual for purposes of ascertaining or challenging accuracy will be referred to BCI.
 - 2. Driver and Motor Vehicle Records. Vehicle registration information and driver license records may not be released to the general public.
 - (a) Vehicle registration and driver license records are classified as protected.
 - (b) All other requests for such information will be referred to the State Division of Motor Vehicles and Driver License Division.

806.4 RECORDS AND REPORTS

- (a) Members shall not knowingly make a false report, either oral or written.
- (b) No member of the Department shall knowingly or willingly enter or cause to be entered in any Department books, records or reports any inaccurate, false, or improper police information or material matter.
- (c) A member shall not fabricate, withhold, or destroy evidence of any kind except by the order of a competent authority.
- (d) Members shall report all crimes, violations, emergencies, incidents, and other information of concern to the Department that comes to their attention. Members receiving or possessing facts which should be known to the Department shall not conceal this information, but shall report the facts accurately through official channels.
- (e) Members shall make reports promptly, accurately, and completely, in conformity with established specifications and requirements. Reports shall be submitted to the dispatch office at the end of the member's tour of duty and before going off-duty, unless permission is granted to do otherwise.
- (f) Members shall treat as confidential the official business of the Department and shall not reveal official information such as a proposed movement or disposition of the force or regulations made for administering of the Department other than to members of the Department and members of governmental agencies when because of such person's duties and assignment, it is necessary and proper that such information be disclosed.

Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects, using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

808.2 PROCEDURE

Any firearm coming into the possession of the Centerville Police Department as evidence or found property where the serial numbers have been removed or obliterated will be processed in the following manner.

808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, and hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Property Form that serial numbers have been removed or obliterated.

808.2.3 OFFICER RESPONSIBILITY

The evidence officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration, maintaining the chain of evidence.

Centerville Police Department

Policy Manual

Restoration of Firearm Serial Numbers

808.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence, from the time it was received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the Request Form or Property Form depending on the type of evidence.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the evidence officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF [eTrace](#) system.

808.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law (See appendix for reference chart).

810.2 PUBLIC REQUESTS FOR RECORDS

Utah Code 63G-2-201 provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in Utah Codes 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305. Public requests for records of the Department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of the Department by submitting a written and signed request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 business days from the date of request, unless unusual circumstances preclude doing so.
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.
- (c) No department record shall be released without the approval of the Chief of Police or Records Manager.
- (d) Requests by elected officials for records that are not open to public inspection should be referred to the Chief of Police for a determination as to whether the records will be released.
- (e) Upon request, the Department shall provide unrestricted records in electronic format:
 1. If the Department currently maintains the records in an electronic format that is reproducible and may be provided without reformatting or conversion.
 2. If the electronic copy of the record does not disclose other records that are exempt from disclosure; or
 3. The electronic copy of the record can be segregated to protect private, protected or controlled information from disclosure without the undue expenditure of Department resources or funds (Utah Code 63G-2-201(12)).

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of the Department shall be made public subject to the following restrictions.

Centerville Police Department

Policy Manual

Release of Records and Information

810.3.1 GENERAL CASE AND CRIME REPORTS

Every person has the right to inspect a public record, and take a copy of a public record (including initial police reports), unless access is restricted pursuant to court rule or the report is described in Utah Codes 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305.

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports, as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the appropriate City/County Attorney.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Utah Code 53-10-108.

810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports, upon request, shall be disclosed to (Utah Code 41-6a-404(3)):

- (a) A person involved in the accident, excluding a witness to the accident.
- (b) A person suffering loss or injury in the accident.
- (c) An agent, parent, or legal guardian of the above.
- (d) A law enforcement agency.
- (e) The media, restricted to release of the following information:
 - 1. The name, age, gender, and city of residence of each person involved in the accident.
 - 2. The make, model, and year of each vehicle involved in the accident.
 - 3. Whether or not each involved person was covered by vehicle insurance.
 - 4. The location of the accident.
 - 5. A description of the accident.

810.3.4 PERSONNEL RECORDS

Personnel records, medical records, and similar records which would involve personal privacy shall not be made public (Utah Code 63G-2-302).

Unless otherwise provided by law, peace officer personnel, both current and former, records are deemed confidential and protected (Utah Code 63G-2-302 and 63G-2-303) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

810.3.5 CONCEALED WEAPONS PERMITS

Information contained in Concealed Weapon License applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Utah Code 63G-2-304).

Centerville Police Department

Policy Manual

Release of Records and Information

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Utah Code 63G-2-305(9)).

Release of general and investigative reports of child abuse or suspected child abuse may only be disclosed pursuant to law (Utah Code 62A-4a-412, Utah Code 63G-2-305 (59) and Utah Code 77-37-4(5)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Any record released pursuant to a Subpoena Duces Tecum shall be stamped in red ink with a Department stamp identifying the individual to whom the record was released.

810.7 RECORD EXPUNGEMENTS

The petitioner of a request for a record expungement is responsible for delivering a copy of the approved court order to all affected agencies. Expungement orders received by this department shall be reviewed for appropriate action by a Records Center supervisor. An order of expungement shall not restrict the use or dissemination of records until the Department has received a copy of the order.

Upon validation by the Records Manager, this department shall expunge the petitioner's identifying information contained in records in its possession relating to the incident for which expungement is ordered. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. To avoid the destruction or sealing of the incident record in whole or part, this department shall only expunge all references to the petitioner's name or other identifying information.

Once expunged, members of this department shall not divulge information contained in the expunged portion of any record, unless ordered to do so by a court. Absent a court order, members shall respond to any inquiry as though the arrest or conviction did not occur.

Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to Utah Code 53-10-108 which delineates who has access to Criminal History Record Information (CHRI) and establishes penalties for the improper use of criminal history records.

812.3 DEFINITIONS

Criminal History Record Information - (CHRI) shall include Bureau of Criminal Identification (BCI) manual/automated rap sheets and abstracts, BCI crime summaries, BCI criminal history transcripts, FBI rap sheets, and any CPD documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CHRI.

Right to Know - Means persons or agencies authorized by court order, statute, or decisional case law to receive the information.

Need to Know - Means a necessity exists to obtain CHRI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

Utah Code 53-10-108(1)(a) through (h) describes agencies authorized to receive criminal history information. Persons not included in this statute, or authorized by the Commissioner of Public Safety, are not authorized recipients and shall not receive CHRI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Records Manager is the designated Criminal Record Security Officer for the Centerville Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

Centerville Police Department

Policy Manual

Criminal History Record Information (CHRI)

812.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Terminal Agency Coordinator.
- (b) Records Manager.

812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through unsecured computer terminals to field personnel or vehicles unless it is necessary to protect officers or the public from an identifiable threat. CHRI may be transmitted as part of a be on the lookout (BOLO) or attempt to locate (ATL) as necessary.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Utah Code 53-10-108(8)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual to review their criminal history information.

Utah Code 53-10-108(8)(c) requires the Commissioner of Public Safety to establish a procedure to allow an individual to challenge the completeness and accuracy of their criminal record information.

812.7 PROTECTION OF CHRI

CHRI shall be stored in the Records Center where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI stored in the Records Center shall be restricted to personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets, and rooms outside the Records Center shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Center, Dispatch, and in the investigative division to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Centerville Police Department

Policy Manual

Criminal History Record Information (CHRI)

Each employee shall be responsible for destroying the CHRI documents they receive.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Terminal Access Coordinator. The TAC shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Misuse of access to criminal history record information is a class B misdemeanor (Utah Code 53-10-108(11)(a)). The Commissioner of Public Safety shall also be informed of the misuse (Utah Code 53-10-108(11)(b)).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of § 340.

Employees who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties is a violation of § 340.

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders, and other electronic devices that are capable of storing digital information and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and therefore they should utilize the most knowledgeable available resources. When possible, this includes enlisting the help of a computer forensics examiner who will make an exact copy or mirror image of the computer's hard drive; the original will be stored as evidence. This eliminates the possibility of altering or destroying any evidence on the original. The examiner will then search the copy of the hard drive for evidence.

When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

Centerville Police Department

Policy Manual

Computers and Digital Evidence

- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, an exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices. The officer will then forward the following items to a computer forensic examiner:

- (a) Copy of report(s) detailing how the computer was used in criminal activities. Also include the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access, or open digital files prior to submission to a computer forensic examiner. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters, or other sources of magnetic fields.
- (d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media or other protective packaging to prevent damage.

Centerville Police Department

Policy Manual

Computers and Digital Evidence

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs, or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device, which includes messages, stored data, and/or images.

- (a) Officers should not attempt to access, review, or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted, and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday shielding bag to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until the devices can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted, or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition, or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.
- (b) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and download the images on the computer in the evidence room and assign the case number to the images.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only authorized personnel will be allowed to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

Centerville Police Department

Policy Manual

Computers and Digital Evidence

- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

822.2 POLICY

The Centerville Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Centerville Police Department facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the Centerville Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Centerville Police Department and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Centerville Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(ii)),
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)),
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
 4. Notify the Centerville Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).
 5. Notify the Centerville Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage

Centerville Police Department

Policy Manual

Jeanne Clery Campus Security Act

students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).

- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Centerville Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson
 - 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):
 - 1. On campus.
 - 2. In or on a non-campus building or property.

Centerville Police Department

Policy Manual

Jeanne Clery Campus Security Act

3. On public property.
 4. In dormitories or other on-campus, residential, student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Centerville Police Department (34 CFR 668.46(c)(2)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Centerville Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, that may cause a suspect to flee or evade detection, or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:
 1. Crime statistics

Centerville Police Department

Policy Manual

Jeanne Clery Campus Security Act

2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

Centerville Police Department
Policy Manual

Chapter 9 - Custody

Temporary Holding Facility

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Centerville Police Department Temporary Holding Facility.

The Department shall maintain custody of inmates in accordance with this policy, the Operations and Procedures Manual and in accordance with all applicable law.

900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building, who can supervise the Temporary Holding Facility, and respond to emergencies within the Temporary Holding Facility. This person shall not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates are in custody, there should be at least one female officer or employee available and accessible to such females.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Centerville Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility as appropriate.

- (a) Any person who is sick, injured or who has any other medical condition, including pregnant females who may require medical attention, supervision or medication during confinement.
- (b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.
- (c) Any person suffering from a severe mental disorder.
- (d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the order of the Temporary Holding Facility.
- (e) A prisoner who is or may be contemplating suicide.
- (f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of any of the above.

900.1.4 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in the Centerville Police Department Temporary Holding Facility. This includes those arrested and detained pending:

Centerville Police Department

Policy Manual

Temporary Holding Facility

- (a) Posting of bail.
- (b) Release on Own Recognizance (O.R.).
- (c) Release on citation in accordance with the Cite and Release Policy in this manual.
- (d) Transportation to the county jail.
- (e) In-custody interview or other investigation.

900.1.5 COURT HOLDING - TEMPORARY HOLDING FACILITY PRISONERS

Prisoners who are temporarily housed in this facility pending court appearance will be segregated according to this Department's prisoner classification policy.

900.1.6 INTOXICATED PERSONS

Any person arrested for public intoxication or driving while intoxicated and who will be held in the Temporary Holding Facility over six hours must be evaluated by a supervisor.

900.1.7 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by an employee of the Department, the transporting officer shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property and warrant copies.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential or a medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility.

Centerville Police Department

Policy Manual

Temporary Holding Facility

900.2 PRISONER SUPERVISION AND CLASSIFICATION

900.2.1 SUPERVISION OF PRISONERS

- (a) The arresting officer will be responsible for periodic visual monitoring not to exceed 15 minutes. Periodic monitoring shall include checking personal needs of prisoner with regards to restroom facilities, comfort of any restraints, and physical well being.
- (b) If there is reasonable cause to believe a prisoner is a danger to self or others, constant monitoring is required.

900.2.2 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy (Utah Code 62a-7-201). Juveniles will not be permitted in the Temporary Holding Facility.

900.2.3 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner unless another female employee is present.

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail or released pursuant to another lawful process (e.g., citation, O.R. release).

900.2.4 HANDCUFFING OF PREGNANT ARRESTEES IN LABOR

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.3 TEMPORARY HOLDING FACILITY SEARCHES

Officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoner(s) again. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search policies are found in § 902.

900.4 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered.

900.4.1 PRIMARY CONCERNS

- (a) Safety of the public.

Centerville Police Department

Policy Manual

Temporary Holding Facility

- (b) Safety of Department personnel.
- (c) Safety of prisoners.
- (d) Security of prisoners.

900.4.2 NOTIFICATION

- (a) Shift Sergeant.
- (b) All available sworn personnel.
- (c) Fire department.
- (d) Medical aid.

900.5 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the Centerville Police Department for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the Property Booking Form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the prisoner, but seized by the officer as evidence, shall be booked according to evidence procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the Property Booking Form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.5.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner and, if available, a second officer or employee. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total.

900.6 TEMPORARY HOLDING FACILITY PROCEDURES

900.6.1 SECURITY

- (a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. Officers may remain armed at all times.

Centerville Police Department

Policy Manual

Temporary Holding Facility

- (b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning, when no prisoners are present, or in the event of an emergency, such as evacuation.
- (c) Cell doors are to be locked at all times when prisoners are detained in the facility.
- (d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.
- (e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy.

900.6.2 RELEASE OF PRISONERS

- (a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.
- (b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
- (c) The releasing officer will be responsible for the condition of the room. Trash will be picked up. If the holding room needs to be cleaned the custodian will be notified as soon as possible.

900.6.3 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of the Department, the Shift Sergeant shall be notified and he/she will make the appropriate additional notifications as directed.

900.6.4 ACCESS TO FAITH AND MORALS-BASED PROGRAMS

Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No prisoner shall be required to participate in any such program.

Arrest and Custody

901.1 PURPOSE AND SCOPE

The purpose of this General Order is to define the authority of officers to arrest and the mechanism for making arrests with and without a warrant. This policy recognizes that occasionally circumstances exist (i.e., jail overcrowding) that would preclude the officer from effecting an arrest where otherwise appropriate.

901.1.1 POLICY

- (a) An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for the person's arrest and detention.
- (b) Arrests are very serious police actions. Officers shall accordingly exercise critical judgment in making arrests. Officers shall also consider alternatives to arrest consistent with Centerville Police Department's mission.

901.2 JURISDICTION

- (a) Peace officers have statewide peace officer authority. Any peace officer duly authorized by any governmental entity of this State may exercise a peace officer's authority beyond the limits of such officer's normal jurisdiction as follows:
 - 1. When in fresh pursuit of an offender for the purpose of arresting and holding that person in custody or returning the suspect to the jurisdiction where the offense was committed;
 - 2. When a public offense is committed in such officer's presence;
 - 3. When participating in an investigation of criminal activity which originated in such officer's normal jurisdiction in cooperation with the local authority; or
 - 4. When called to assist peace officers of another jurisdiction.
- (b) Any peace officer, prior to taking such authorized action, shall notify and receive approval of the local law enforcement authority; or if such prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible. Unless specifically requested to aid a police officer of another jurisdiction or otherwise as provided for by law, no legal responsibility for a police officer's action outside his/her normal jurisdiction and as provided herein shall attach to the local law enforcement authority.

901.3 ISSUANCE OF WARRANTS

- (a) A Felony arrest warrant may be made at any time of the day or night.
- (b) A Misdemeanor arrest warrant may be made at night only if:
 - 1. The magistrate has endorsed authorization to do so on the warrant;
 - 2. The person to be arrested is upon a public highway or in a public place open to or accessible to the public; or
 - 3. The person to be arrested is encountered by a peace officer in the regular course of that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant for arrest.

Centerville Police Department

Policy Manual

Arrest and Custody

901.3.1 ARREST WITH A WARRANT

- (a) An arrest warrant may be issued by any magistrate or judge or any district court, juvenile court, or justice court in accordance with Utah law.
- (b) A magistrate or judge may issue a warrant for arrest upon finding probable cause to believe that the person to be arrested has committed a public offense.
- (c) If the magistrate or judge determines that the accused must appear in court, the magistrate shall include in the arrest warrant the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged. The warrant must not be too general or leave too much discretion to the officer to decide which suspect to arrest.
- (d) Serving a warrant.
 - 1. Service when not in possession of warrant. Any peace officer who has knowledge of an outstanding warrant of arrest may arrest a person he/she reasonably believes to be the person described in the warrant without the peace officer having physical possession of the warrant.
 - 2. Warrant to be shown upon request. The officer need not have possession of the warrant at the time of arrest, but upon request shall show the warrant to the defendant as soon as practical.
 - 3. If the officer does not have possession of the warrant at the time of arrest, the arrested person will be informed of the charges and the fact that a warrant exists.
- (e) Execution of arrest warrants. A warrant shall be executed (the arrest of the accused) by a peace officer at any place within the State of Utah. A summons may be served by anyone authorized to serve a summons in a civil action.
- (f) Exemption of witnesses from arrest or service of process.
 - 1. If a person comes into the State of Utah in obedience to a summons directing him/her to attend and testify in this State, he/she shall not, while in this State, pursuant to such summons, be subject to arrest or the service of process, civil or criminal, in connection with matter which arose before his/her entrance into this State under summons.
 - 2. If a person passes through the State of Utah while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he/she shall not while so passing through this State be subject to arrest or service of this process, civil or criminal, in connection with matters which arose before his/her entrance into this State under the summons.
- (g) Upon executing the warrant, the date of execution shall be noted on it; and it shall be returned to the magistrate as soon as practical.

901.3.2 ARREST WITHOUT A WARRANT

- (a) The Federal Constitution allows arrests to be made upon probable cause without a warrant (except where a warrant is required to enter private premises.) Utah law, however, requires that arrests be made pursuant to warrants except in certain specified circumstances. Officers have the power and authority, without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of the officer, or in the officer's view, any breach of the peace or any offense directly prohibited by the laws of this State or by ordinance.
- (b) When warrantless arrests may be made. Pursuant to Utah Code Ann. § 77-7-2, as amended, an officer may make a warrantless arrest:

Centerville Police Department

Policy Manual

Arrest and Custody

1. When a person commits or attempts a crime in the officer's presence; "presence" includes all of the physical senses or any device that enhances the acuity, sensitivity, or range of any physical sense, or records the observations of any of the physical senses;
2. When the officer has reasonable cause to believe a person has committed a felony or a class A misdemeanor, in or out of the officer's presence, and reasonable cause to believe the person arrested committed it;
3. When the officer has reasonable cause to believe a person has committed a public offense, and there is reasonable cause to believe that the person may:
 - (a) Flee or conceal himself/herself to avoid arrest;
 - (b) Destroy or conceal evidence of the commission of the offense; or
 - (c) Injure another person or damage property belonging to another person.
 - (d) Suspect of driving while impaired.
4. When the officer has reasonable cause to arrest a person for shoplifting or library theft;
5. The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one (1) year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him/her under oath setting forth the ground for the arrest and thereafter his/her answer shall be heard as is he/she had been arrested on a warrant; or
6. If the person is arrested based on a fugitive warrant from another state, see Utah Code Ann. § 77-30-13, as amended.

(c) Citizen's Arrest - Peace Officer Responsibility.

1. Utah Code Ann. § 77-7-3, as amended, allows a private citizen to arrest under the following circumstances:
 - (a) For a public offense committed or attempted in his/her presence;
 - (b) When a felony has, in fact, been committed and he/she has reasonable cause for believing the person arrested to have committed it.
2. Once an arrest has been made by a private citizen, Utah Code Ann. § 77-7-23, as amended, requires that the arresting person must, without unnecessary delay, take the person arrested before a magistrate. The necessary question arises, what is the obligation of the peace officer once the delivery has been tendered to a police officer?
3. When an individual is delivered to a peace officer, the officer is not the arresting party, but merely acts as transport. However, if the arrest is clearly unlawful and the officer has reason to believe or should have known this fact it may be that he/she may be held liable for an action based upon the unlawful arrest, i.e., false imprisonment. Consequently, the officer should use appropriate wisdom and discretion before he/she becomes party to a citizen's arrest.
4. In citizen's arrest situations, the officer should keep in mind the following:
 - (a) The lawfulness of the arrest; and

Centerville Police Department

Policy Manual

Arrest and Custody

- (b) If the arrest is lawful, whether or not in the officer's discretion, it is necessary that the officer shall accept custody and transport the arrested person to jail.
- 5. Obviously, if the arrest is unlawful or appears to be, the officer should not be party to the citizen's arrest. Inasmuch as the officer has no absolute duty to transport, his/her responsibility should merely be to inform the antagonists of their reciprocal rights to counsel and the filing of complaints with the appropriate courts.
- 6. In determining whether or not the situation requires receipt of the individual upon a proper citizen's arrest, the following factors, among others, may be taken into consideration:
 - (a) Jail's policy for accepting arrested person;
 - (b) The nature of the alleged violation;
 - (c) The reputation of the individual arrested;
 - (d) The probability that the arrested person will flee the jurisdiction before a complaint can be issued or a summons served; and
 - (e) Whether or not a breach of the peace will occur if the matter is left solely with the individuals involved.
- 7. Utah Code Ann. § 77-7-18, Citation for Misdemeanor. In lieu of a police officer taking a person into custody, any public official of any county, city or town charged with the enforcement of the laws of the local jurisdiction may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor charge to appear at the court of the magistrate before whom the person could be taken pursuant to law if the person had been arrested.
- 8. A citizen's arrest occurs in cases when the police are summoned and requested to take into custody someone accused of having committed a misdemeanor not in the officer's presence. In such cases, a **Request to Accept Custody of Arrested Person** form shall be used in substantially the same form as attached.
 - (a) This form cannot be used in lieu of a complaint, or when the accused is not present at the scene when officers arrive. It can only be used when both the accuser and accused are present; the former demanding that the latter be taken into custody for an offense. All blanks must be filled in completely by the officer at the scene and it must be signed by the person making the civil arrest.
 - (b) After signing the form, the person making the arrest will be advised by the investigating officer that a formal complaint will have to be signed by the arresting party and that they will be notified when to appear at the Centerville City Prosecutor's Office.
 - (c) In addition to the above signed form, the officer shall, in all cases, obtain a written statement from the individual making the citizen's arrest.

Handling of Prisoners

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures of pre-arraignment detainees.

902.1.1 POLICY

It is the policy of this Department that all officers consciously practice professional techniques in the search of all persons taken into custody by the Department. The purpose of a search is to ensure the safety of all persons and to seize all weapons, evidence, and contraband. All searches shall be conducted in a professional manner with concern for the rights of the arrestee

902.1.2 PROCEDURE

- (a) Any employee of this Department who has in his or her custody a person or persons under arrest or detention shall be responsible for the proper safe guarding of such person or persons and their property.
- (b) Prior to placing a prisoner in a vehicle, members shall carefully search the prisoner and take possession of all weapons and evidence.
- (c) Conditions permitting, female prisoners should not be transported with male prisoners in the same vehicle. When an officer is transporting a prisoner of the opposite sex, the transporting officer will advise Communications and respond with his or her "beginning mileage". When the transportation has concluded, the transporting officer will advise Communications of his or her "ending mileage."
- (d) Officers shall convey prisoners or cause them to be conveyed to the appropriate jail facility without delay and shall at no time accompany them to their home or elsewhere, except with the consent of a supervisor.
- (e) Except in extraordinary situations approved by a supervisor, no officer shall permit an adult male or female prisoner to enter a Department vehicle without first being handcuffed. Officers should, however, use discretion when youthful children are involved.
- (f) Davis County will not accept a person in need of medical attention at their jail facility.

Whenever an officer from this Department transports a prisoner who requires medical attention to a hospital or medical facility, the officer should not imply acceptance of financial responsibility by the Department.

The Administrator of Lakeview Hospital has agreed that officers need not sign the admittance forms for a prisoner. They have assured us that medical treatment will be rendered in these cases.

With few exceptions, the Department is not responsible for prisoners' medical bills.

In the event that medical personnel in the Emergency Room refuse to treat a prisoner unless the officer signs the admittance form, the officer should then sign the form. Such an occurrence should be reported to the Chief of Police who will handle the matter from that point.

Centerville Police Department

Policy Manual

Handling of Prisoners

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

Custodial Or Rub Search - Custodial or rub search is a careful and thorough inspection of outer garments for articles concealed on the person. A custodial or rub search shall be conducted on all arrested parties prior to transport.

Booking Search - This search is used in the jail and again involves a thorough patting down of all areas of the prisoner's clothing. All pockets and cuffs on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person and the vagina of a female person.

902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same gender as the person being searched. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any pat-down search of an individual who is not the same gender as the searching officer.

902.4 STRIP SEARCHES

No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search.

- (a) No strip search or visual body cavity search shall be conducted without prior written authorization from a supervisor. The time, date and place of the search, the name and gender of the person conducting the search, and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.

Centerville Police Department

Policy Manual

Handling of Prisoners

- (b) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.
- (c) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same gender as the person being searched.
- (d) Whenever possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence.
- (e) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.
- (f) No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee in accordance with the provisions of (c) through (f) above and based on a valid exigency, consent or a search warrant.

902.4.1 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant.
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available upon request to the arrestee or authorized representative.
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search.
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

Incarceration of Arrestees

903.1 PURPOSE AND SCOPE

The purpose of this General Order is to provide guidelines regarding incarceration and handling of adult arrestees and juvenile offenders.

903.2 POLICY

- (a) It shall be the policy of this Department to incarcerate all adult persons arrested by members of this Department at the Davis County Jail facility.
- (b) The Centerville Police Department holding facility shall be used only for holding purposes, i.e., to facilitate an investigation or prisoners awaiting a court appearance.
- (c) The following persons shall not be incarcerated or detained by members of this Department:
 - 1. Persons in an unconscious or semi-conscious condition;
 - 2. Persons who show evidence of external or internal bleeding or injury, excessive external bruises or lack of the use of a limb or limbs due to a recent injury; or
 - 3. Persons who are obviously ill.
 - 4. Any person coming within the framework of the above Paragraphs (1), (2), and (3) will receive the immediate attention of the Supervisor, or his designate, and shall receive an examination by a physician at the nearest emergency hospital.
- (d) No person under the age of 18 will be placed in any cell or holding room. Youthful offenders will be handled in the following manner:
 - 1. Release with a citation if conditions and circumstances permit;
 - 2. Release to the parents by transporting the offender home; or
 - 3. Transportation to a juvenile holding facility.
 - 4. The only current facility offering a "lock up" situation for youthful offenders is Farmington Bay. This facility will accept all offenders that meet their criteria except in cases of extreme intoxication. In this case a Medical Release from a hospital is necessary before incarceration can be completed.

903.3 BOOKING PROCEDURE AT COUNTY JAIL

- (a) Upon arriving at the Davis County Jail facility, before removing the prisoner from the vehicle, the transporting officer will secure his or her weapon in a locked area located outside the jail door.
- (b) The prisoner will not have his or her handcuffs removed until approved by Jail personnel.
- (c) The prisoner will then be taken into the jail facility where the arresting officer will complete the necessary forms and reports required by the jail during the booking process.
- (d) The transporting officer will remain with the prisoner until advised by the jailer that it is safe for him or her to leave.

Centerville Police Department
Policy Manual

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

It is the employment policy of the Centerville that the Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or gender and shall not show partiality or grant any special favors to any applicant, employee, or group of employees. The rules governing employment practices for this department are maintained by the Centerville Personnel Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence, and experience.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge, and skills required to perform the duties of the job in a satisfactory manner. The Centerville Personnel Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Centerville or State of Utah hiring standards. The Utah Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants (Utah Code 53-6-203).

1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Utah driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life-threatening violation, such as reckless driving, speed contest, suspect of a pursuit) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
 - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application.
 - 4. Two convictions for driving under the influence of alcohol and/or drugs.

Centerville Police Department

Policy Manual

Recruitment and Selection

1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, or payoffs.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination.
 - 2. Discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 - 3. Any forgery, alteration, or intentional omission of material facts on an official employment application document or episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

The following shall be disqualifying:

- (a) The inability to give testimony in a court of law due to his/her dishonesty or lack of veracity, or due to prior felony conviction.
- (b) Conviction of any criminal offense involving dishonesty, unlawful sexual conduct or physical violence.
- (c) Conviction of any offense involving dishonesty under Utah law while employed as a peace officer (including military police officers).
- (d) Admission of having committed any act amounting to a felony (including felony offenses later reduced to misdemeanor convictions) under Utah law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
- (e) Admission of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
- (f) Admission of any act of domestic violence as defined by law, committed as an adult.
- (g) Admission of any criminal acts committed against children. Acts of consensual unlawful sexual activity with a minor that took place between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
- (h) Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.

Centerville Police Department

Policy Manual

Recruitment and Selection

- (f) The following shall be disqualifying:
 - 1. Missing any scheduled appointment during the process without prior permission
 - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
 - 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
 - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
 - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
 - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
 - 7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, and codes.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics, and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
 - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
 - 2. Having been academically dismissed from any POST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity to the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) The following shall be disqualifying:
 - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
 - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin, or sexual orientation.

Centerville Police Department

Policy Manual

Recruitment and Selection

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) Conviction involving the unlawful use, manufacturing, cultivation, sale, or possession for sale of a controlled substance will be considered automatic disqualifiers for public safety applicants.
- (b) Use of the following drugs in the last five years will be considered automatic disqualifiers:
 1. Heroin, PCP, Quaaludes.
 2. Toluene, Percodan, Crank.
 3. LSD, Mescaline.
 4. Cocaine, Tai Sticks, Morphine.
 5. Peyote, Opium, Demerol.
 6. Methadone Psilocybin / Mushroom Amphetamine.
 7. Barbiturates Injected / Methamphetamine.
- (c) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile.
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above.
 3. Any illegal or unauthorized use of prescription medications.

1000.3.9 POST STANDARDS

Applicants will be disqualified for hire if they fail to qualify for POST certification under Utah Code 53-6-203 and Utah Code 53-6-211.

Credit for Previous Experience

1001.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish policy for giving salary credit for police officers and dispatchers hired with previous law enforcement experience.

1001.2 POLICY

- (a) It is the policy of this Department to recognize for salary purposes only a portion of the previous law enforcement or dispatch experience of a person being hired as a police officer or dispatcher for the City.
- (b) To be eligible for consideration the applicant must have had at least 24 months of full time police or dispatch experience.

1001.3 QUALIFICATIONS

- (a) The police officer must possess at least a "LEO" Certificate issued by Utah Peace Officers Standards and Training or a like agency of another state.
- (b) The dispatcher should have written statements from previous employers indicating the full time years of experience.
- (c) The experience in both police officer and dispatch positions must be job related. In each case, the Chief of Police will review the experience with the applicant and certify to the City Manager the total amount of job related experience to be considered.

1001.4 COMPENSATIONS

- (a) Compensation will be determined by the Chief of Police and City Manager based upon prior experience.
- (b) No police officer will be placed higher than a POII.
- (c) No dispatcher will be placed higher than a DOII.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Centerville Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 FULL-TIME INTRODUCTORY PERSONNEL

Civilian personnel are introductory employees for 12 months before being eligible for certification as permanent employees. An evaluation should be completed monthly for all full-time civilian personnel during the introductory period.

Sworn personnel are introductory employees for 12 months before being eligible for certification as permanent employees. Introductory officers should be evaluated daily, weekly, and monthly during this period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to four types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor prior to end of the fiscal year.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard, and when follow-up action is planned (action plan, remedial training, retraining). The Performance Evaluation Form and the attached documentation shall be submitted as one package.

Monthly - This evaluation may be done each month for the benefit of the employee and his/her supervisor to track the performance and progression in the employees goals. The supervisor will fill out an approved evaluation form and refer to it while doing yearly evaluations.

Centerville Police Department

Policy Manual

Evaluation of Employees

1002.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will best describe the employee's performance. The definition of each rating category is as follows:

Exceeds Expectations - Represents performance that is better than expected of a fully competent employee.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A Needs Improvement rating must be thoroughly discussed with the employee.

Seriously Deficient - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and to make suggestions for improvement. Any rating under any job dimension marked seriously deficient and needs improvement shall be substantiated in the Rater Comments section.

1002.5 EVALUATION INTERVIEW

When the Supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The Supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the Supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The Supervisor should also provide relevant counseling regarding advancement, specialty positions, and training opportunities. The Supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.5.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

Centerville Police Department

Policy Manual

Evaluation of Employees

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.6 EVALUATION REVIEW

After the Supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Chief of Police. The Chief shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Chief shall evaluate the Supervisor on the quality of ratings given.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

Promotion and Transfer

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Centerville Police Department.

1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a good physical condition which aids in their performance of the essential job functions.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity.
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making.
 - 4. Personal integrity and ethical conduct.
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility.
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Detective.
- (b) D.A.R.E. Officer.
- (c) School Resource Officer.
- (d) POP.

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience.
- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training, and demonstrated abilities in related areas; such as enforcement activities, investigative techniques, report writing, and public relations.
- (e) Completed any training required by POST or law.

1004.3 SELECTION PROCESS

The following criteria apply to transfers:

Centerville Police Department

Policy Manual

Promotion and Transfer

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The Sergeants recommendations will be submitted to the Chief of Police who will then schedule interviews with each candidate.
- (c) Appointment by the Chief of Police.

This policy for all positions may be waived for temporary assignments, emergency situations, or for training.

1004.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Centerville Personnel Department.

Grievances

1006.1 PURPOSE AND SCOPE

It is the policy of the Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote open lines of communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievance are:

- Complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment.
- Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background, and other lawfully protected status or activity are subject to the complaint options set forth in § 328.
- Personnel complaints consisting of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state or local law set forth in §1020.

1006.2 PROCEDURE

If an employee of the State of Utah believes that he/she has a grievance as defined above, then that employee shall observe the following procedure (Utah Code 67-19a-402).

- (a) Attempt to resolve the issue through informal discussions with the immediate supervisor.
- (b) If, within five days, the grievance cannot be settled by the immediate supervisor, the employee may resubmit the grievance in writing to his/her immediate supervisor within five working days after the expiration of the period for response or receipt of the decision, whichever is first.
- (c) The employee shall immediately notify the administrator of human resources that he/she has submitted the written grievance.
- (d) The supervisor shall issue a written response, within five days, stating his/her decision and the basis for the decision.
- (e) If, after five working days, the grievance goes unanswered, or the employee is dissatisfied with the decision, the employee may submit the grievance in writing to the Chief of Police within 10 working days after the expiration of the period for decision or receipt of the written decision, whichever is first.

Centerville Police Department

Policy Manual

Grievances

- (f) Within 10 working days after the employee's grievance has been submitted, the Chief of Police shall issue a written response stating the decision and the reason for the decision.
- (g) If the written grievance submitted to the Chief of Police meets the subject matter requirements of Utah Code 67-19a-202 and if the employee's Chief of Police fails to respond to the grievance within 10 working days after submission, or if the aggrieved employee is dissatisfied with the Chief of Police's written decision, the employee may advance the written grievance to the City Manager within 10 working days after the expiration of the period for decision or receipt of the written decision, whichever is first.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1006.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Training Sergeant should promptly notify the Chief of Police.

Exposure to Blood or Body Fluids

1009.1 PURPOSE AND SCOPE

The purpose of this General Order is to alert all emergency personnel of the risks involved in dealing with blood and body fluids in an unprotected manner while responding to any medical emergency or incident involving any contact with blood or body fluids and to provide such personnel with procedures for preventing and dealing with incidents involving contact with blood and body fluids.

1009.1.1 POLICY

It is the policy of the Centerville Police Department that all officers practice the following general guidelines with regards to incidents involving contact with blood or body fluids:

- (a) Minimize the need for emergency mouth-to-mouth resuscitation by using pocket masks, resuscitation bags, or other ventilation devices. Such devices should be maintained in a strategic location for easy access in emergency situations.
- (b) Wash your hands immediately with soap and water following any patient care. If soap and water are not immediately available, use a waterless antiseptic hand gel.
- (c) Wear gloves when in contact with blood, blood specimens, tissue, any body fluids or excretions, mucous membranes, non-intact skin, or articles potentially contaminated by such items. Wear protective clothing in situations where there is a likelihood of extended contact with patient secretions, excretions, or blood.
- (d) Wear masks and protective eye covering in situations where there is a danger of exposure to spurting blood or splashing body fluids.
- (e) Dispose of needles and syringes immediately in a puncture proof sharps container.
- (f) Assume that sharp items (needles, scalpel blades, and other sharp instruments) are potentially infective and handle them with extraordinary care to prevent accidental injuries. **Do Not Resheath or Recap Needles After Use.**
- (g) Dispose of resuscitation equipment or devices known or suspected to have been contaminated with blood or body fluid immediately after use, unless such device is non-disposable in which case it should be immediately cleaned and disinfected with a 1:10 solution of 5.25% sodium hypochlorite or a disinfectant such as Staphene

1009.2 PROCEDURE IN EVENT OF CONTACT

In the event of a needle stick or other sharp injury or any incident involving non-intact skin exposure to blood the following procedures should be followed:

- (a) Notify supervisor immediately.
- (b) The exposed officer should respond to either McKay-Dee Hospital in Ogden or the University Hospital in Salt Lake. Officers should not go to Lakeview Hospital as they are not set up to handle exposures.
- (c) Document the exposure on an approved reporting form and fill out all required information.
- (d) Transport all source persons with injuries to the hospital, if appropriate and possible, so that the exposed employee may be covered by the Disease Testing of Individuals Exposed to a Blood Borne Pathogen law. If possible transport the source person to

Centerville Police Department

Policy Manual

Exposure to Blood or Body Fluids

the same hospital as the exposed officer. Submit the reporting form to the hospital where the source person was transported.

- (e) If the source person is transported to the hospital for treatment:
 - 1. The hospital or attendant should get the name, address, phone number, and date of birth if possible from the source person or next of kin. Otherwise, this will be the exposed officer's responsibility. The hospital should also counsel the source person and ask permission to draw a blood specimen for HIV, Hepatitis B, and Hepatitis C serology.
 - 2. The exposed officer **SHOULD ACCEPT** the initial HIV, HBV, and HCV test offered by the hospital.
 - 3. If the source person refuses testing, the exposed officer may petition applicable court for mandated testing.
- (f) If the source person is not taken to the hospital:
 - 1. The exposed officer should obtain the necessary information from the source person.
 - 2. The exposed officer **SHOULD ACCEPT** the initial HIV, HBV, and HCV test offered by the hospital.
 - 3. The exposed officer should fill out the appropriate OSHA forms to ensure coverage under Federal OSHA law. Officers should also fill out appropriate Workers' Compensation forms available through the Department.
- (g) The hospital is responsible for sending the blood and accompanying report form to the lab who does testing for them or the State health lab.
- (h) The laboratory will give the test results to the exposed officer and the source patient.
- (i) If an officer has had the Hepatitis B Vaccine in the past, he or she should consider a blood test to check for antibodies to make sure he or she is protected from Hepatitis B. This testing is reliable for a 2 year period. The officer should consult with his or her medical provider prior to initiation of any treatment recommendations.
- (j) In the event that an officer has contracted the disease during duties as an EMS provider, it may be presumed that this occurred by accident if the following applies:
 - 1. The officer's initial HIV/HBV/HCV baseline test was negative at the time employment commenced and again 3 months later OR the officer started employment prior to July 1, 1988 and was grandfathered and considered negative; and
 - 2. The officer subsequently tests positive during employment or service or within 3 months after termination.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department Director of any past and current criminal convictions (Utah Code 76-10-503).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act(18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 USC § 922(d)(8)).

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked or suspended (Utah Code 53-5-704(2)(a)(vi)).

1010.3 OTHER CRIMINAL CONVICTIONS

Utah Code 53-6-203(1)(d) prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of the Department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All employees of the Department and all retired officers with a CWP endorsement shall promptly notify the Chief of Police or designee in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CWP endorsement shall further promptly notify the Chief of Police or designee in writing if the employee or retiree becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment, and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Centerville Police Department

Policy Manual

Reporting of Employee Convictions

1010.5 PROCEDURE FOR RELIEF

Although a peace officer may petition the court for permission to carry a firearm following a conviction under state law, federal law, however, does not provide for any such similar judicial relief. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Any employee seeking relief from firearm restrictions shall do so on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol and Drug Use

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Centerville Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

No Department member shall consume alcohol while in uniform or when representing themselves in an official capacity for the Department (other than as authorized when performing undercover duties).

Department members shall not consume, or keep intoxicating liquor on City property, within Department vehicles, lockers, or upon any property allotted for the use of the Department (other than legally seized evidence being transported pursuant to an active case).

Department member shall not report for work or be on duty while under the influence of alcohol, illegal drugs, or otherwise be unfit for duty because of such use.

Department members shall not possess or use marijuana or any other form of contraband, including unauthorized narcotics; provided allowances may be made for possession and simulated use of drugs by undercover officers and for authorized training purposes.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. An employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all job requirements shall report the need for such medication to his/her immediate supervisor. No employee shall be permitted to work or drive a Department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Centerville Police Department

Policy Manual

Alcohol and Drug Use

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage that provide treatment for drug and alcohol abuse. Employees may contact the Personnel Department, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.4 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

1012.5 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

- (a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:
 - 1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
 - 2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
 - 3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

1012.5.1 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing

Centerville Police Department

Policy Manual

Alcohol and Drug Use

authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1012.6 DRUG AND ALCOHOL TESTING

All Department members shall adhere and be subject to drug and alcohol testing in accordance with the City Drug and Alcohol Testing Policies set forth in Chapter 7 of the City Personnel Policies and Procedures, as amended.

1012.7 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

1012.8 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their own part or the part of any other employee.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. This policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate testing, treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 DEFINITIONS

Bodily fluids - Includes amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen and vaginal secretions and any bodily fluid visibly contaminated with blood (Utah Code 78B-8-401).

Communicable disease - Human Immunodeficiency Virus (HIV) infection, acute or chronic Hepatitis B infection, Hepatitis C infection and any other infectious disease designated by the Labor Commission (Utah Code 78B-8-401 and Utah Administrative Code R612-10).

Significant exposure - Exposure of the body of one person to the blood or bodily fluids of another person by (Utah Code 78B-8-401 and Utah Administrative Code R612-10), including:

- (a) An injury to the skin, including a needle stick or cut.
- (b) Contact with an open wound, mucous membrane or non-intact skin because of a cut, abrasion, dermatitis or other damage.
- (c) Exposure that occurs by any other method of transmission that is defined by the county Department of Health as a significant exposure.

Source person - The person who was the source of a blood or bodily fluid exposure.

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All Department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1016.2.1 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids, such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

Centerville Police Department

Policy Manual

Communicable Diseases

1016.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex gloves; keeping a box in the car is recommended.
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at the emergency site; keeping several alcohol wipes in the car is recommended.

Additionally, Utah OSHA recommends:

- Water with bleach solution of 1:100 for irrigation of large areas
- Water or a saline solution applied to the eyes for 15 minutes
- Nomex® gloves, versus latex, for durability

The protective equipment is to be kept in each police vehicle, and should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift.

1016.2.3 IMMUNIZATIONS

All personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate immunization.

1016.2.4 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where the potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

Centerville Police Department

Policy Manual

Communicable Diseases

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color, appropriately labeled with a biohazard warning, and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound), shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that take place in the station shall be done in the designated cleaning or decontamination area. Washing shall not be done in the kitchen, bathrooms or other locations that are not designated as a cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel should avoid handling sharps (needles) with their hands. Utah OSHA recommends a tool, such as tongs, pliers, dust pan and broom or similar devices should be used. Whenever practical, this method should also be used while assisting a paramedic or collecting sharps for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is required, a tool should also be used. If a tool can not be used, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device, such as tongs or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the biohazard waste container, placing the gloves in with the waste when through.

Centerville Police Department

Policy Manual

Communicable Diseases

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the procedures in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathroom or other areas not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants, such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Lieutenant or designated person. The Lieutenant will secure a dry cleaner that is capable of cleaning contaminated clothing; the Lieutenant will inform the dry cleaner of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

Centerville Police Department

Policy Manual

Communicable Diseases

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The garage on the east side of the department building shall be designated as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes, food, and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Any employee who believes that he/she has been significantly exposed to the bodily fluids of another shall submit a state Department of Labor Exposure Report Form with a supplemental memo to the on-duty supervisor. This report and memo should include the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This Exposure Report Form should be accompanied by other reports related to the underlying incident. The following information should be contained in the reports and the memo:

- (a) Names and Social Security numbers of the employees exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) Personal protective equipment in use at the time of the incident
- (j) Actions taken post-event (cleanup, notifications)
- (k) Whether the exposed employee desires that the source person is tested for communicable diseases

The employee's report shall be submitted by the end of the shift during which the incident occurred, or as soon as practicable, but not to exceed three days from the incident. If a source person is receiving medical treatment, the exposed employee should complete an Exposure Report Form and give a copy to an authorized person at the medical facility; this will allow the source person to be tested through the medical facility if the source person consents.

When the person to whom the employee was significantly exposed receives medical treatment, it is the responsibility of the exposed employee to complete an Exposure Report

Centerville Police Department

Policy Manual

Communicable Diseases

Form and ensure that a copy is delivered to an authorized person at the medical facility at the time of treatment (Utah Administrative Code R612-10).

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every significant exposure that occurs as soon as possible following the incident, and ensure that the exposed employee completes a Department of Labor Exposure Report Form with attached memo/reports.

The supervisor shall use the above information to prepare a written summary of the incident and its causes, and recommendations for avoiding similar events. This report will be provided to the Chief, the Lieutenant, the consulting physician and to the City's Risk Manager.

Medical facilities rendering aid to the source person may obtain consent for communicable disease testing. If the source person was taken to a medical facility for treatment, the supervisor shall do the following (Utah Administrative Code R612-10):

- (a) Ensure a copy of the exposed employee's Exposure Report Form is completed as soon as possible.
- (b) Ensure the Exposure Report Form is delivered to the medical facility where the source person is being treated.
- (c) Remain in contact with the medical facility to learn whether consent was given and a blood sample was taken.
- (d) Report these results in the written summary.
- (e) Ensure that the Lieutenant is notified of the incident.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who received exposure or suspected exposure to HIV or to Hepatitis B or C should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor's report, the employee's medical records relevant to the visit and examination, and the Communicable Disease Notification Report. McKay-Dee Hospital is currently the designated facility to handle such reporting. Davis County Health Department should be contacted at the time of the incident to verify which hospital should be used.

The blood of the exposed employee shall be tested. If possible, the blood of the source shall also be tested.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional shall provide the Lieutenant and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

Centerville Police Department

Policy Manual

Communicable Diseases

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for professional counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

The Lieutenant shall ensure that all records and reports are kept in the strictest confidence. Any person receiving test results of another must keep the results confidential. Failing to keep the information confidential is a violation of policy and may result in criminal prosecution (Utah Code 26-6-27, Utah Code 78B-8-402(10) and Utah Code 78B-8-403).

1016.4.6 TESTING COMPLIANCE

It will be the responsibility of the Chief to ensure that the process for disease testing as set forth in Utah Code 78B-8-402 for either obtaining consent or a court order is promptly initiated when applicable. If consent for testing is not obtained from the source, the Chief should contact City counsel and proceed with a petition for a court order for testing.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Centerville Police Department facilities or vehicles.

1018.2 POLICY

The Centerville Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Centerville Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside any City facility, office or vehicle (Utah Code 26-38-3).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any public building (including any department facility), all enclosed indoor places of public access, or any buildings where restrictions on use of tobacco products are posted or notice of tobacco use restrictions is provided by other means, whether present for training, enforcement or any other purpose (Utah Code R392-510-9).

Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members and employees of the Department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state, or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a Personnel Complaint Form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or when a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of rank greater than the accused employee or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters need not be documented as personnel complaints but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel Complaint Forms shall be made available to Department employees and the public at the Centerville City Police Department.

1020.2.2 SOURCE OF COMPLAINTS

- (a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of any Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and the person should be provided with a Personnel Complaint Form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.
- (e) Unless good judgment dictates otherwise, complaints by third parties who did not witness or was not involved in the situation prompting the complaint, need not be accepted. A parent lodging a complaint on behalf of a minor child should be accepted.

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a Personnel Complaint Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Shift Sergeant log entry.

When a Personnel Complaint Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of the original complaint.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Chief of Police or any supervisor who is aware of circumstances where an officer's certification as a peace officer may be subject to suspension or revocation by Utah Peace Officer Standards and Training (POST), based on a violation or condition described in Utah Code § 53-6-211(1), has an affirmative responsibility to investigate the matter and report to POST, if the allegation is found to be true (Utah Code § 53-6-211(6)).

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor or an outside third party investigate. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, commanding officer and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint Form has been completed as fully as possible. The original complaint form will then be directed to the commanding officer of the accused employee, via the chain of command, who will take appropriate action or, if appropriate, forward the complaint to the Internal Affairs Unit for further action.
 - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 - 2. Photographs of alleged injuries, as well as accessible areas of non-injury, should be taken once immediate medical attention has been provided.
 - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing, or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Sergeant or the Chief of Police who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel Department and the Chief of Police for direction regarding each of their roles in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, a supervisor may place the accused employee on paid administrative leave pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s), and any other Department equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the duration of the investigation. The employee may be required to remain available for contact during administrative leave and shall report as ordered.
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Sergeant and the Chief of Police.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card, and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of the Department is accused of potential criminal conduct, a separate supervisor or detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer regardless of whether there has been a conviction. However, no disciplinary action other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. In accordance with this policy, an independent administrative investigation shall be conducted based upon the allegations in the report.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused employee(s).

- (a) Interviews of accused employees shall be conducted during reasonable hours. If the employee is off-duty, the employee shall be compensated.
- (b) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (c) All interviews shall be for a reasonable period. The employee's personal needs shall be accommodated.
- (d) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (e) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

- (f) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights. This admonishment shall be given administratively, regardless of whether the employee was advised of these rights during any separate criminal investigation.
- (g) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (h) All employees shall provide complete and truthful responses to questions posed during interviews.
- (i) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.1 ADMINISTRATIVE SEARCHES

In addition to grounds set forth in the City drug and alcohol testing policy, an employee of the Department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances.

- When the employee, whether on- or off-duty, is involved in a shooting or police-related death.
- When the employee is involved in an injury or fatal accident while on-duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on- or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on-duty.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties or if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios, or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant, or where the employee has been given reasonable notice that the search will take place.

All other Department-assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete, and essentially follow this format:

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date, and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful, and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt of the complaint. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Centerville Police Department

Policy Manual

Personnel Complaint Procedure

Any recommendation for disciplinary action shall be pursued in accordance with the disciplinary procedures set forth in Policy 340.

Written notice of the findings of the investigation shall be sent to the complaining party by the Chief of Police. This notice shall indicate the findings. It will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

Unless otherwise provided by law, all investigations of personnel complaints shall be considered confidential and protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process (Utah Code, Title 63 Part 3, and Title 63G Part 2).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained for a period of no less than three years. All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than three years.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated, or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in Department vehicles (Utah Code 41-6a-1803).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING CHILDREN

A passenger of a police vehicle younger than 8-years of age shall be secured using a child restraint device in the manner prescribed by the manufacturer of the device (Utah Code 41-6a-1803(1)(a)(ii)). A passenger under 8-years of age who is 57-inches tall or taller is exempt from the requirement to be in a child restraint device and shall use a properly adjusted and fastened safety belt as required for passengers 8-years of age and up to 16-years of age as described below (Utah Code 41-6a-1803(1)(b)).

A passenger of a police vehicle 8-years of age and up to 16-years of age shall be secured in a properly adjusted and fastened safety belt (Utah Code 41-6a-1803(1)(a)(iii)).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles provided this positioning meets the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side airbag should be deactivated. In the event this is not possible, officers should consider arranging for alternative transportation.

1022.4 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or when a prisoner restraint system is not available by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Centerville Police Department

Policy Manual

Seat Belts

1022.5 INOPERABLE SEAT BELTS

No person shall operate a Department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate, or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Centerville Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Centerville Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled

Centerville Police Department

Policy Manual

Body Armor

(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1024.4 ARMORER RESPONSIBILITIES

The Armorer should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of the Department to maintain the confidentiality of peace officer personnel records pursuant to Utah Code 63G-2-302 and 63G-2-304.

1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational, and employment history or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases, and all other records which reveal an employee's past, current, or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints or investigations of complaints concerning an event or transaction in which the officer participated or observed and that pertain to the manner in which the officer performed official duties.
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department file - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Division file - Any file which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Supervisor log entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of the Department.

Training file - Any file which documents the training records of an employee.

Internal affairs files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical file - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Unless otherwise provided by law, pursuant to Utah Code 63G-2-302 and 63G-2-304, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to discovery procedures or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney, or other attorneys or representatives of the City in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All requests for the disclosure of any information contained in any peace officer personnel record shall be promptly brought to the attention of the Shift Sergeant, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or designee.

Any person who maliciously and with the intent to obstruct justice or the due administration of the laws publishes, disseminates, or otherwise discloses the residence address or telephone number of any employee of the Department may be guilty of a class B misdemeanor (Utah Code 63G-2-801).

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours and will submit such a request to the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

and the Department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal Affairs investigations if the employee access could jeopardize or compromise the investigation pending its final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee.

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.
 - 1. It shall be the responsibility of the involved employee to provide in a timely manner the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's Department file.
- (c) Disciplinary action;
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Department file at least two years.
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's Department file at least three years.
 - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.
- (d) Adverse comments, such as supervisor log entries, may be retained in the Department file or division file after the employee has had the opportunity to read and initial the comment, for a period up to three years.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comments within 30 days.
 - 2. Any such employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

- (e) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (g) A photograph of the employee.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct, and other materials intended to serve as a foundation for the completion of timely performance evaluations.
 - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
 - 2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent Performance Evaluation Form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition.
 - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index card cross-referenced for each involved employee.
 - 2. Each investigation file arising out of a formal citizen's complaint or involving discriminatory harassment/hostile work environment shall be maintained no less than five years. Investigation files arising out of other internally generated complaints shall be maintained no less than two years.
- (b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training officer for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

- (a) It shall be the responsibility of the involved employee to provide in a timely manner the Training Sergeant or immediate supervisor with evidence of completed training/education.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to, the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition including past, present, or future anticipated mental, psychological, or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than three years from the underlying complaint date.

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than three years from the underlying complaint date.

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
- (d) The employee is encouraged to follow up with their immediate supervisor to determine the status of any complaints or disciplinary action that may be in their department file. The supervisor will pass the request onto the Chief of Police and report back to the employee.

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

1026.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.9.1 DEFINITIONS

Brady Material - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to any City/County Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1026.9.2 RELEASE OF PERSONNEL FILES TO A PROSECUTING ATTORNEY

The only time the City/County Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files classified as private records under the Government Records Access and Management Act is when it is investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer's or a specific investigation of the Department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the City/County Attorney or Grand Jury. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness, access to that officer's personnel file by either the City/County Attorney or the criminal defendant shall be limited to a court order (Utah Code 63G-2-202(7)).

1026.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- (a) The City/County Attorney shall be notified of the potential presence of Brady material in the officer's personnel file.
- (b) The City/County Attorney should file a motion in order to initiate an in camera review by the court.
- (c) The subject officer(s) shall be notified in writing that a motion has been filed.
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the motion.

Centerville Police Department

Policy Manual

Peace Officer Personnel Files

1. Prior to the release of any materials pursuant to this process, the Custodian of Records shall request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the policy of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a letter of interest to the Chief of Police.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of the Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by any employee of the Department.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of the Department remain fit for duty and able to perform the job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of the Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each employee of the Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Sergeant or employee's available Sergeant, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police and any other supervisor who is made aware that an officer may have a physical or mental disability affecting the officer's ability to perform his/her duties shall investigate the allegation (Utah Code 53-6-211(6)).
- (f) The Chief of Police or a designee shall ensure that any allegation that an officer has a physical or mental disability affecting the officer's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) when the allegation is found to be true. This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211(5), (6)).
- (g) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

Centerville Police Department

Policy Manual

Fitness for Duty

1032.4 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other care.

1032.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Sergeant, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with related policies.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances (Utah Administrative Code R477-8-7):

- (a) Return to work from injury or illness.
- (b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.
- (c) In conjunction with corrective action, performance or conduct issues or discipline.
- (d) When it is a bona fide occupational qualification for selection, retention or promotion.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24-hour) period or
- 30 hours in any 2 day (48-hour) period or
- 84 hours in any 7 day (168-hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, combination of on-duty and off-duty work, and any other work assignments.

Centerville Police Department

Policy Manual

Fitness for Duty

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in Policy Manual § 340 (Disciplinary Policy).

Physical Fitness

1033.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish minimum job related and validated physical fitness standards for all sworn officers of the Department regardless of rank or duty assignment. The Department's fitness program has been designed to provide reasonable assurances that all police officers can perform the essential physical functions of the job (regardless of rank or position within the Department) and to enhance the general physical fitness and well-being of Department officers. In addition to the foregoing, the purpose of this policy is:

- (a) To ensure the safe and effective performance of the essential job functions of sworn officers;
- (b) To establish physical fitness standards that benefit the individual sworn officer;
- (c) To provide confidence that back-up support for fellow officers and others who depend on a sworn officer is performed safely and effectively; and
- (d) To provide the expected protection of the citizens of the community.

1033.1.1 POLICY

It is acknowledged that work performed by police officers requires a level of physical fitness. While the performance of most critical, essential job functions may be infrequent, the consequences of non-performance or improper performance of such duties can be significant. The ability of each officer to perform the essential job functions is affected by, among other things, exercise, diet, stress management, and weight control. To help officers maintain the level of fitness necessary to safely and effectively perform the essential functions of the job, it is the policy of the Department to provide and maintain a total fitness program for the Department as more particularly provided herein. It is the policy of the Department that newly hired and incumbent sworn officers of the Department meet minimum job related and validated police physical fitness standards.

1033.2 LEGAL CONSIDERATIONS

- (a) Certain essential law enforcement job functions require physical fitness. The components of physical fitness (cardiovascular endurance, muscular strength, muscular endurance, flexibility, anaerobic power, and body composition) underlie and predict the ability to perform the myriad of essential physical job tasks. As such, measures of these components of fitness are deemed job related.
- (b) The provisions of this policy are intended to comply with all state and federal mandates including, but not limited to Section 106 of the Civil Rights Act of 1991 which prohibits the discriminatory use of test scores in the selection or referral of applicants or candidates for employment or promotion, to adjust the scores or use different cutoff scores for, or to otherwise alter the results of employment related tests on the basis of race, color, religion, sex, or national origin.
- (c) In compliance with state and federal mandates, the physical fitness standards set forth in this policy are intended to be the same for individuals who hold similar jobs and have the same job requirements. Physical fitness is deemed job related and the standards identified in this policy have been scientifically validated as job related and a business necessity of the Department, as required by law.

Centerville Police Department

Policy Manual

Physical Fitness

1033.2.1 PROGRAM COMPONENTS

- (a) **Fitness Coordinators.** The Department will provide assistance for officers participating in the fitness program. A component of this assistance will be through Fitness Coordinators trained in the application of the principles of fitness.
- (b) **Screening for Safe Participation.** The Department will require sworn officers to fill out a "Health History Questionnaire" before they are allowed to participate in any physical fitness testing. The purpose of this screening is to identify those sworn officers who should seek medical clearance before being tested or beginning an exercise program. The questionnaire will be reviewed by a medical professional. Sworn officers identified by the medical professional as requiring medical attention prior to being tested or beginning an exercise program will be referred to the Department clinic or physician at no expense to the sworn officer to obtain the clearance to participate, or they will be required to obtain clearance from their personal physician.
- (c) **Assessment Testing and Reassessment.** The Department views the assessment of whether a person has the minimum fitness necessary to perform essential peace officer job functions as a measure of the fitness program's effectiveness rather than as a punitive or culling out process. The Fitness Coordinators will administer the assessment test and use the results to design individual programs for participants. The Department will administer the assessment test at least once each year.
- (d) **Goal Setting.** Individuals are more likely to adhere to a program when effective goal setting principles are employed. Fitness Coordinators will assist sworn officers to establish realistic yet challenging goals to enable them to achieve and maintain the level of fitness necessary to perform the essential functions of the job.
- (e) **Exercise Prescription.** New exercisers left to their own devices often fall out of a program. The Fitness Coordinators will prescribe exercise based on an individual's current level of fitness, individual preferences, and available facilities and equipment.
- (f) **On-Going Education.** The Department recognizes that adults want to know the reasons why they are required to do various things. Therefore, ongoing education is an important part of an effective fitness program. As another way of assisting participants, the Department may provide ongoing education on the fitness program and on pertinent fitness-related subjects. These topics may include exercise, back pain, cholesterol, stress, tobacco use cessation, and nutrition.
- (g) **Monitoring.** In addition to assessment, goal setting, exercise prescription, and ongoing fitness education, Fitness Coordinators will assist sworn officers and monitor each participant's progress. Sworn officers needing motivation or additional guidance can contact a Fitness Coordinator to obtain that help.
- (h) **Remedial Fitness Training.** Sworn officers failing a fitness assessment test will be placed in a remedial fitness training program. This program will be developed by a Fitness Coordinator to specifically address the individual's needs. Both Fitness Coordinator led exercise and individual programming will be utilized.
- (i) **Fitness Test Results.** The fitness test results for each sworn officer will be maintained by the Department and forwarded to the sworn officer's supervisor for evaluation.
- (j) **Performance Appraisals.** Performance appraisals for Department officers will include an evaluation of the individual's level of fitness.
- (k) **Job Description.** One of the fundamental elements of the Thomas and Means physical fitness study is the connection between essential job functions and physical fitness. Job descriptions will be modified as necessary to include physical fitness standards as a part of the essential job functions.

Centerville Police Department

Policy Manual

Physical Fitness

1033.3 DEFINITIONS

- (a) For the purpose of this policy, the fitness program consists of training for physical fitness coordinators, screening for safe participation, assessment testing and reassessment of sworn officers, goal setting, exercise prescriptions, and ongoing total fitness education.
- (b) For purposes of this policy, total fitness is considered to be the overall fitness of sworn officers in terms of performance and health. Total fitness is a result of lifestyle choices in the areas of exercise, diet and nutrition, tobacco usage, substance abuse prevention, stress management, and weight control.
- (c) For the purpose of this policy, a particular job function is essential if removing it would fundamentally alter the position; because the position exists to perform that function; because of the limited number of employees available among whom performance of that function can be distributed; or because of the highly specialized nature of the function. For the position of sworn officer, those functions include, but are not limited to, safely affecting a forcible arrest, suspect pursuit, and safely controlling combatants.
- (d) For purposes of this policy, a qualified person with a disability is an individual with a disability as more particularly defined in the Americans with Disabilities Act (ADA) who, with or without reasonable accommodation, can perform all essential functions of the job.
- (e) For purposes of this policy, a fitness coordinator is an individual certified in fitness training and designated as a Fitness Coordinator by the Department. Fitness coordinators shall be trained and certified in the application of the principles of fitness according to the standard criteria established by the American College of Sports Medicine, the National Strength and Conditioning Association, or other recognized institutions. Fitness Coordinators may be a sworn officer of the Department, a city employee in another department, or a person contracted to perform the services.

1033.4 ASSESSMENT REQUIREMENTS

- (a) All sworn officers will undergo fitness assessment testing at least on an annual basis. The Department will publish the assessment testing schedule no later than two weeks prior to the beginning of each testing period.
- (b) Fitness Assessment Testing will be conducted by certified Fitness Coordinators or qualified individuals assigned or contracted to perform the assessment testing. (c) Fitness Assessment Testing Procedures:
 - 1. Each sworn officer shall complete a "Health History Questionnaire" as part of screening for participation in the assessment testing.
 - 2. Each sworn officer over 40 years of age who is scheduled for fitness testing shall have undergone a medical examination at no expense to the sworn officer within the six months prior to being tested. The examining physician shall assess whether the sworn officer can safely take the fitness test and participate in an exercise program.
 - 3. Any sworn officer who is medically exempted from undergoing fitness testing will be dealt with according to provisions set forth herein at Subsection VI.
 - 4. First Test. Any sworn officer failing to meet the minimum standard on each component of the fitness test during the first test attempt will be dealt with according to Department policy. The Fitness Coordinator will continue to counsel the sworn officer and may develop a remedial fitness program for the sworn officer in order to assist in meeting the Department standard. Unless the

Centerville Police Department

Policy Manual

Physical Fitness

failure was the result of an apparently disabling condition, the sworn officer will be scheduled for a retest within 30 calendar days of the failure.

5. Second Test. Any sworn officer failing to meet the minimum standard on each component of the fitness test during the second test attempt will be dealt with according the Department policy. The Fitness Coordinator will continue to counsel the sworn officer and to help refine the sworn officer's personal fitness program. Unless the failure was the result of an apparently disabling condition, the sworn officer will be scheduled for another retest within 30 calendar days of the second failure.
6. Third Test. Any sworn officer failing to meet the minimum standard on each component of the fitness test during the third test attempt shall be given the opportunity to take the job task simulation test (JTST). If the officer refuses to take the JTST or fails to successfully complete the JTST within the prescribed time limits, such failure shall render that sworn officer unfit for duty and appropriate personnel action shall be taken, which may include exclusion from consideration for promotion, transfer, merit pay increase, participation in career development programs, continued participation in a specialized assignment, and off duty employment as a law enforcement officer and may include reassignment, termination, or other personnel action.
 - (a) Job Task Simulation Test (JTST). Sworn officers unable to pass each component of the fitness test shall be given the option of being tested on the three timed job task simulation tests (JTST) applied in the Validation Study. The JTST consists of the following: 1) a roadway clearance scenario, 2) an extraction scenario, and 3) a pursuit and arrest scenario. If the sworn officer elects to take the JTST, staff will schedule a date for job task simulation testing within 15 calendar days of the third failure to pass all components of the fitness testing. Failure to successfully complete the JTST within the prescribed time limits renders that sworn officer unfit for duty. The officer will then be dealt with according to Department policy.
 - (b) Temporary Disabling Conditions. Unless a medical doctor, satisfactory to the Department, certifies that the sworn officer has a temporary disabling condition which caused the failure(s) of the fitness test of JTST, that sworn officer cannot return to sworn duty but can seek civilian employment elsewhere in the Department or elsewhere in City government. Appropriate personnel action will be taken to reassign or terminate the employee. In the event that a medical doctor, satisfactory to the Department, certifies that a temporary disabling condition caused the failure, the sworn officer will be dealt with according to Department policy.

1033.4.1 MEDICAL EXEMPTIONS

Any sworn officer who is medically exempt from undergoing fitness testing and/or job task simulation testing must have certification from a medical doctor, satisfactory to Department, that the condition(s) forming the basis for the medical exemption are temporary. The sworn officer will then be dealt with according to Department Policy.

1033.5 VALIDATED TEST STANDARDS

The following test standards have been scientifically validated as job related by Thomas & Means and Associates through a validation study ("Validation Study") conducted for the Utah Risk Management Mutual Association ("URMMA") in 1998 and 1999, entitled "Validation of Police Physical Fitness Standards for the Utah Risk Management Mutual Association-Final Report."

Centerville Police Department

Policy Manual

Physical Fitness

- (a) There are five (5) physical fitness tests that will be given in one day as a battery of testing as follows:
- (b) Each test is scored separately and sworn officers must meet the standard on each test. The standards are as follows:
 - 1. Mile Run 1.5 Miles in 15:54 Minutes
 - 2. Bench Press Push 75% of your body weight one time
 - 3. Push Up 25
 - 4. Sit Up 35 in one minute
 - 5. Vertical Jump 16 inches
- (c) The battery of tests shall be administered consistent with the Specific Test Procedures set forth in Appendix A to the Validation Study, or substantially similar testing methods.

1033.6 EDUCATION PROGRAM

The Department may provide periodic education and training. The Department will develop a yearly plan of education classes based on the needs and desires of the Department and its officers and may conduct periodic surveys to determine areas of interest of need.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all City employees that has been established by the City Manager.

1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or with the approval of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid point, for each four-hour work period. Only one 15-minute break shall be taken during each 4-hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

Lactation Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time will be unpaid.

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if it would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied, and that the employee has a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Centerville Police Department

Policy Manual

Lactation Breaks

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a bi-weekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the timely submission of accurate payroll records for the payment of wages.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis, usually on Thursday, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Monday morning after the end of the pay period, unless specified otherwise.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Provisions of this policy are also intended to address issues regarding Department employees engaged in off-duty employment as security officers in accordance with Utah Code 53-13-114 and Utah Code 58-63-304, as amended.

1040.1.1 DEFINITIONS

Outside Employment - Any employee of the Department who receives wages, compensation, or other consideration of value from another employer, organization, or individual not affiliated directly with this department for services, product(s), or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s), or benefits rendered.

Outside Overtime - Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Off-Duty Employment Approval Permit, which shall be forwarded to the Police Chief for consideration.

If approved, the employee will be provided a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year, subject to revocation or suspension as provided in this Policy. Any employee seeking to renew a permit shall submit a new off-Duty Employment Approval Permit no later than December 15th of the expiring year.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

Centerville Police Department

Policy Manual

Outside Employment

If the employee's appeal is denied, the employee may file a grievance pursuant to Policy 1006.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline or continued employment with the Department.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment submitted by an employee seeking to engage in any activity which does any of the following:

- (a) Interferes with an employee's performance;
- (b) Conflicts with the interests of the Department or the City;
- (c) Gives reason for criticism or suspicion of conflicting interests or duties;
- (d) Employment that either by the nature of the work or length of the hours worked physically or mentally exhaust the employee to the point that his or her performance for the Department is affected; or
- (e) Employment which requires service of civil process, collection of bad debts, repossessions, vehicle towing, or other functions that would tend to be a conflict of interest.
- (f) Personnel investigations for the private sector or any employment, which might require the police officer to have access to the police information, files, records, or services as a condition of employment.
- (g) Assists, in any manner, the case preparation for defense counsel in any criminal or civil action or proceeding, which involves the City.

1040.3.1 OUTSIDE OVERTIME

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

Centerville Police Department

Policy Manual

Outside Employment

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside services, which shall be paid to the Department and shall include compensation at time and one half.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the Department uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of the Department.
 - 3. No officer may engage in such outside services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Police Chief, officers assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the Department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an officer provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c).

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates outside employment he/she shall promptly notify the Chief of Police. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Centerville Police Department

Policy Manual

Outside Employment

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform the Chief of Police within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The Chief of Police shall review the duties of the outside employment along with any related doctor's orders and make a determination whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the Chief of Police of his/her intentions regarding outside employment, a notice of revocation of the employee's permission will be forwarded to the involved employee.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Centerville Police Department, a request (in writing) may be made to the Chief of Police to restore authorization for outside employment.

Court Bailiff

1041.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish policy regarding duties of bailiff in the Centerville City Justice Court

1041.2 POLICY

- (a) The Centerville Police Department will provide bailiff services for the Centerville City Justice Court each scheduled day that court is held. The bailiff will be present in full uniform including duty sidearm when court starts. The bailiff will work under the direction of the Justice Court Judge and shall assist the Judge and court clerks as requested.
- (b) The bailiff will always be present in the courtroom while court is in session. If a prisoner transport is needed, the bailiff will contact another officer to complete the transport. If a duty officer is not available, an officer will be called out to assist the bailiff.
- (c) At the conclusion of court, the bailiff will secure the premises and leave only after escorting court clerks to their cars or being released by court personnel.
- (d) Time expended will vary with the court's workload and will be paid at the rate of time and one-half of the officer's current wage. A sign up roster will be made up monthly and will be posted. If the bailiff shift for a court session isn't filled, the supervising officer or Chief of Police will appoint an officer to fill the vacancy.

On-Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management to ensure proper medical attention is received and to document the circumstances of the incident.

1042.2 WORKERS' COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries and work-related illnesses requiring medical care must be reported to the Risk Management Office. A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness as well as any employee who is involved in any accident while on-duty shall report such injury, illness, or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to periodically call in during absences as directed. Employees are to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness, or accident shall promptly prepare the appropriate forms as outlined under § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept by the Lieutenant.

Centerville Police Department

Policy Manual

On-Duty Injuries

For work-related accidents, injuries, or illness not requiring professional medical care, a Supervisor's Report of Injury Form shall be completed in triplicate. All copies of the completed Form shall be forwarded to the Lieutenant through the chain of command.

When an accident or injury is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the Employer's First Report of Injury - Form 122 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Lieutenant as soon as they are completed.

1042.2.5 SERGEANT RESPONSIBILITY

The Sergeant receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Lieutenant who will forward the complete report to the Chief of Police.

1042.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the Personnel Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury Form. This form shall be completed and signed by a supervisor.

This Form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this Form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment

Centerville Police Department

Policy Manual

On-Duty Injuries

or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation while ensuring that the employee's rights to receive compensation for injuries, are not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, it is the policy of the Department that employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect. It can be worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom part of the ear lobe, and shall end in a clean shaven horizontal line. The sideburns shall not be wider than 1 1/4 inches at any point.

1044.2.4 FACIAL HAIR

A short and neatly trimmed beard or goatee of a natural color may be worn. The beard or goatee shall not extend onto any portion of the neck.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond 1/8 inch beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Unless specifically excluded by the Chief of Police, earrings shall not be worn by uniformed sworn male officers, detectives, or special assignment personnel, except for sworn female

Centerville Police Department

Policy Manual

Personal Appearance Standards

officers who will then only be allowed to wear one pair which will be located in the ear lobe. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Centerville Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated Policy Manual sections:

- § 700 - Department-owned and Personal Property
- § 1024 - Body Armor
- § 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Centerville Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose which is to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications which are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.
- (i) Mirrored sunglasses will not be worn with any Department uniform.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.
 1. Wrist watch.

Centerville Police Department

Policy Manual

Uniform Regulations

2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1046.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Sergeant.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long-sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long- or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue or black crew-neck tee-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved all black unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1046.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

Centerville Police Department

Policy Manual

Uniform Regulations

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as Canine Team, SWAT, Bicycle Patrol, Motor Officers, and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) Service stars may be worn on class A and B uniforms and jackets.
- (c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias (SRO, K-9, FTO) may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The Department-issued badge or an authorized sewn-on cloth replica must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of the Department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

Centerville Police Department

Policy Manual

Uniform Regulations

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar and slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. Tee-shirt alone.
 - 2. Open-toed sandals.
 - 3. Swimsuit, tube tops or halter-tops.
 - 4. Spandex-type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons, or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Centerville Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Centerville Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Centerville Police Department to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast, or any Web site.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in § 700.

Centerville Police Department

Policy Manual

Uniform Regulations

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Centerville Police Department employees may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Centerville Police Department employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1046.9 SUMMER UNIFORMS

The approved Summer Uniform for Police Officers is as follows:

- (a) Shirt. Short sleeve dacron-polyester shirt in Navy Blue color and a White, Black, or Navy t-shirt worn underneath shirt.
- (b) Pants. Pants in Navy Blue color.
- (c) Jacket. Navy Blue or Yellow/Black nylon windbreaker.
- (d) Shoes and Boots. Shoes and boots must be capable of being shined. Shoe color for all uniforms is black.
- (e) Socks. Navy Blue or Black socks, plain.
- (f) Hat. Department issued baseball type hat with insignia on the front may be worn. The wearing of a hat is optional unless otherwise directed.
- (g) Raincoat. Rain Jacket in clear or yellow color, waist length.
- (h) Body Armor and Vest. Department issue.

1046.9.1 WINTER UNIFORM

The approved Winter Uniform for Police Officers is as follows:

- (a) Shirt. Long sleeve shirt Navy Blue in color and a White, Black or Navy Blue t-shirt worn underneath shirt.
- (b) Pants. Pants in Navy Blue color.
- (c) Tie or Turtleneck. Tie or turtleneck shirts in Navy Blue color may be worn.
- (d) Coat. Coat in Navy Blue or Yellow/Black color with liner. (Approved jacket or sweater may be worn in mild winter weather).
- (e) Shoes and Boots. Shoes and boots meeting summer uniform qualifications may be worn. In addition, snowmobile type boots, black in color, with no stripes of different colors may be worn. The overshoe and the snowmobile type boots are to be worn only during those times when weather or assignments make it necessary. They will not be worn during periods of good weather on regular patrol.
- (f) Hat. The below described hats are approved for wear with the winter uniform. The wearing of a hat is optional unless otherwise directed by the Chief of Police.
 - 1. Department Issued Baseball Cap with Centerville Police Department insignia.
 - 2. In extreme conditions, an approved navy blue or black knit cap will be allowed.
- (g) Body Armor and Vest. Department issued.

1046.9.2 DESIGNATED SEASONS

The time period that will be covered for Summer and Winter uniforms is as follows:

Centerville Police Department

Policy Manual

Uniform Regulations

- (a) Summer uniforms will be worn from April 16th through October 15th each year.
- (b) Winter uniforms will be worn from October 16th through April 15th each year.
- (c) To accommodate weather changes Summer uniforms will be optional March 15th through April 15th and Winter uniforms will be optional October 15th through November 15th.
- (d) Temporary changes in the above dates may be granted by the Chief of Police when weather or other conditions warrant.

1046.10 HARDWARE AND BUTTONS

- (a) The hardware and buttons for all uniforms shall be as follows:
 - 1. Gold or brass for Supervisors.
 - 2. Silver or chrome for all others.
- (b) One service star shall be worn for each five (5) years of police service. Service stars will be silver for Police Officers and gold for Sergeants, Lieutenants and the Chief of Police. Service stars shall be centered and attached to name tag.
- (c) All uniformed personnel will wear a name tag which will be centered over the right pocket with the edge of the name tag running horizontal and touching the top of the pocket. The name tag will be Department approved and will be gold background with blue lettering for Supervisors, silver background with blue lettering for all others.
- (d) Police patches will be worn on each sleeve of every shirt, jacket and windbreaker. The patch will be 3/4" from the top of the shoulder seam and centered.
 - 1. All uniform leather will be black and will have a basket weave print.
 - 2. Duty holster will be Department approved.
 - 3. The duty belt will be the Sam Browne type.
 - 4. Nylon duty belts can be worn if approved by the Chief of Police or his designee.
 - 5. The pant belt will be black in color.
- (e) Insignias. The following insignias and uniform accessories are authorized and required to be worn by Department officers. All other insignias, pins and ornaments not listed are unauthorized and shall not be worn.
 - 1. EMT Pin.
 - 2. Service Star - Multiples must be on a bar.
 - 3. Name Plate.
 - 4. Rank or Grade designation applicable to assigned rank.
 - 5. Any other insignias approved by the Chief of Police.
 - 6. Metal insignias and accessories will be silver for Police Officers and brass for Supervisors.
- (f) Miscellaneous. Any other items that Department members desire to wear shall be approved in advance by the Chief of Police.

1046.11 CLEANING

Approved uniforms will be cleaned at the expense of the Department.

Dispatcher Uniforms

1047.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish and define the approved uniform for Dispatchers.

1047.2 DISPATCH UNIFORM

Approved Department uniform for dispatch personnel shall consist of the following items.

- (a) Sweater. A sweater in black, khaki, or navy blue color.
- (b) Skirt. A skirt in black, gray, brown, khaki, or navy blue color.
- (c) Pants. Pants in black, gray, brown, khaki, or navy blue color.
- (d) Shirt or Blouse. A issued CPD uniform shirt or sweater. All shirts will be worn tucked in, unless otherwise approved by the Chief of Police.
 - 1. This approval will be granted on an individual basis and only upon a showing of good cause.
- (e) Badges. Centerville patches, badges and name tag shall be worn at all times as appropriate for the uniform.
- (f) Alternatives. Department approved uniform shirts / sweaters / vests may be worn with approval from Chief of Police. All uniforms or deviation of policy must be approved by the Chief of Police.
- (g) Shoes. Conservative shoes will be worn while in uniform. Sandals may be worn in summer months.

1047.3 CLEANING

Approved uniforms will be cleaned at the expense of the Department.

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

Centerville Police Department

Policy Manual

Nepotism and Conflicting Relationships

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of the Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives or registered sex offenders, or anyone who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.

Department Badges

1052.1 PURPOSE AND SCOPE

The Centerville Police Department badge and uniform patch as well as the likeness of these items and the name of the Centerville Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to the same policies as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge to another officer within the Centerville Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in § 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying, or display of a flat badge is not authorized for civilian personnel.

1052.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the employee (e.g. Parking Control, Dispatcher).

- (a) Civilian personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case, or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Centerville Police Department

Policy Manual

Department Badges

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to letters, memoranda, and electronic communications such as electronic mail, or Websites and Webpages.

The use of the badge, uniform patch, and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Centerville Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness, injury, or condition and are unable to perform their regular assigned duties. The Department may consider off-duty illness, injury, or condition for eligibility similar to duty-related illness or injury. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or designee.

The Department shall not have long-term or permanent modified duty assignments. Assignment to modified duty shall not exceed one year.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light duty assignments.

1054.3 LIMITATIONS

Modified duty assignments are intended to provide an employee an accelerated return to full duty as soon as possible while providing the Department with a productive employee during the interim period.

Modified duty assignments are a management prerogative, not an employee right.

Modified duty assignments are subject to continuous re-assessment dependent upon Department need, employee ability, and performance.

Poor performance of an employee in a modified duty assignment, a lack of Department need, or a change in priorities may result in removal from an assignment, change of assignment, exclusion from assignment, or elimination of assignments.

The Department may place conditions deemed appropriate upon any modified duty assignment.

1054.4 PROCEDURE

To request assignment to modified duty, employees shall provide to the Sergeant or designee a signed report from a treating physician of their inability to perform the basic and essential job functions of his/her regular duties and their ability to perform the basic and essential job functions associated with the duties of a modified duty assignment. The document shall indicate the nature of the injury or illness, the employee's limitations/restrictions, and the expected duration. The physician must also indicate if the employee requires any workplace accommodations, mobility aids, or medical devices.

The Sergeant will determine what modified duty assignments may be available, consider the needs of the Department, limitations of the employee, suitability to an assignment, and may place the employee in a suitable and available modified duty assignment. Requests for modified duty assignment of twenty hours or less may be approved and facilitated by a Shift Sergeant or division supervisor.

Centerville Police Department

Policy Manual

Modified Duty Assignments

Employees may also be directed to perform a modified duty assignment by the Chief of Police or designee.

1054.4.1 ASSIGNMENT TO MODIFIED DUTY

At the direction of the Sergeant or other assigning supervisor, employees assigned to modified duty shall work the scheduled shift of the unit to which they are assigned or the shift, hours, and duties specified in the modified assignment until re-assigned to another modified assignment, cleared for full duty, or removed/excluded from assignment to modified duties. The Sergeant or other assigning supervisor has the discretion of re-assigning modified duty schedules to suit Department needs.

The employee and supervisors should be informed in writing of the schedule, modified duty assignment, supervisor, and limitations and/or restrictions as directed by the treating physician or the Department.

1054.4.2 ACCOUNTABILITY

Supervisors of the regular and modified duty assignments for the employee shall coordinate efforts to ensure proper time accountability. The supervisor for the modified duty assignment shall complete a change of shift/assignment form and process the form appropriately.

While on duty, employees on modified duty are responsible for coordinating required doctor visits and physical therapy in advance with their supervisor and must properly account for the time.

Employees shall immediately notify their supervisor if there is a change in their condition which causes their physician to modify their duty assignment in any fashion and shall submit a status report for each visit to the treating physician. A duty status report shall be provided by employees assigned to light duty to their supervisor no less than every 30 days the employee is on modified duty.

Supervisors of employees on modified duty shall keep the Sergeant apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments which extend beyond 60 days will require a written status report and request for extension to the Sergeant updating the history, current status, and anticipated date of return to regular duty. Extensions require approval by the Chief of Police. When it is determined that an employee is no longer to perform a modified duty assignment, the supervisor of the modified duty assignment shall notify the Sergeant, documenting and coordinating the change as necessary, completing a change of shift/assignment form, and process the form appropriately. All training and certification necessary for return to regular duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department may request a medical examination by a physician retained by the Department prior to the employee's return to work and/or release to full duty. The Department may also request a medical examination by a physician retained by the Department to determine if it is appropriate for the employee to work a modified duty assignment. Such medical examinations shall be at the expense of the Department.

Employees shall return to their regularly assigned duties when they have recovered from their illness, injury, or condition and the treating physician provides the Department with a signed clearance for full duty indicating that they are capable of performing the basic and essential job functions of his/her assignment.

Centerville Police Department

Policy Manual

Modified Duty Assignments

1054.5 PREGNANCY

It is the policy of the Department to reassign pregnant employees, if requested by the employee or deemed necessary by the Department, to temporary assignments that will not routinely expose them to environments or activity potentially hazardous to the employee, the unborn child, or the pregnancy.

1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy shall notify her immediate supervisor of the pregnancy as soon as medical confirmation is obtained. The employee must inform the Department of her intentions regarding reassignment, job accommodation, anticipated leave for the pregnancy, and prenatal care. The employee shall also submit verification from her physician confirming any job restrictions to which she might be subject.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment, or leave by the employee, the supervisor shall notify the Sergeant who will consider assigning the employee to an available temporary modified duty assignment if it is deemed medically necessary by the treating physician.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding Family and Medical Care Leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified duty assignment shall have their probationary period extended by a period equal to the time the employee was in a modified duty assignment.

1054.7 MAINTENANCE OF CERTIFICATION, TRAINING AND QUALIFICATION

Employees assigned to modified duty shall maintain all certification, training, and qualifications appropriate to both their regular duties and temporary duties provided the certification, training, and qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training, and qualifications.

Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Centerville Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Centerville Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following are prohibited:

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Centerville Police Department or its employees.

Centerville Police Department

Policy Manual

Employee Speech, Expression and Social Networking

- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Centerville Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Centerville Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Centerville Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Utah Code § 67-16-4).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Centerville Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, employees may not represent the Centerville Police Department or identify themselves in any way as being affiliated with the Centerville Police Department in order to do any of the following (Utah Code § 20A-11-1203):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Centerville Police Department

Policy Manual

Employee Speech, Expression and Social Networking

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Centerville Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network.

Centerville Police Department

INDEX

A

ABBREVIATIONS.....	12
ADMINISTRATIVE INVESTIGATION	64
ALCOHOL	373
ALCOHOL AND DRUGS	67
ALCOHOL USE.....	373
AMMUNITION.....	66
ARREST OF PUBLIC SCHOOL TEACHER....	185
AUDIO RECORDERS	259
AUTHORITY	8
AUTHORIZED WEAPONS	65

B

BADGE.....	435
Mourning Badge	428
BARRICADED SUSPECTS	208
BETTING	144
BODY ARMOR	393
BOMB CALLS	211
BOMB THREATS	212
BRIBE.....	144

C

CANINE	
Handler Compensation.....	92
Handler Responsibilities	91
Request for Use.....	91
Selection.....	91
Training.....	93
CHANGE OF ASSIGNMENT	402
CHEMICAL AGENTS.....	49
CHIEF OF POLICE CANDIDATE	9
CHILD ABUSE	125
Definitions.....	125
Physical Examinations	126
Reporting	125
CHRI	331
CITE AND RELEASE	220
CITIZEN COMPLAINTS	384
CODE-3	85
COMMUNICABLE DISEASES	376
Confidentiality	382
Counseling	382
COMMUNICATIONS WITH HEARING	
IMPAIRED OR DISABLED	181
COMPUTER USE	150
CONCEALED WEAPON LICENSE.....	29

CONCEALED WEAPONS LICENSE	
Interstate.....	70
CONCEALED WEAPONS PERMITS	
Retired or Former	30
CONDUCT UNBECOMING	144
CONFIDENTIAL INFORMANTS	302
Payment Procedure	304
CONFIDENTIAL INFORMATION.....	145
CONSTITUTIONAL REQUIREMENTS	8
CONTROL DEVICES.....	48
CORRESPONDENCE.....	22
COURT APPEARANCE	159
COURTROOM PROTOCOL	161
CRIME SCENE	202
CRIMINAL ACTIVITIES.....	144
CRIMINAL OFFENDER RECORD	
INFORMATION	331
CRIMINAL STREET GANGS	248
CUSTODIAL INTERROGATION	
Recording Interrogation.....	298
CUSTODY SEARCHES	352
CWL.....	29

D

DEADLY FORCE REVIEW	38
DEATH INVESTIGATION	169
DECONTAMINATION	378
DEFECTIVE VEHICLES	309
DEFINITIONS.....	12
DEPARTMENT PROPERTY	
Loss Or Damage	308
DEPARTMENT-OWNED PROPERTY	307
DEPLOYMENT	231
DIGITAL RECORDERS	259
DIPLOMATIC AGENTS	225
DISASTER PLAN.....	19
DISASTER SCENE.....	202
DISCRIMINATION.....	142
DISCRIMINATORY HARASSMENT	120
Complaints	122
Definitions.....	120
Sexual Harassment.....	121
Supervisor's Role	122
DISGRACEFUL CONDUCT.....	144
DISHONESTY	144
DISOBEDIENCE	143
DISPARAGING REMARKS	143
DISPUTED CLAIMS	320
DISTRIBUTION.....	13

Centerville Police Department

Policy Manual

INDEX

DNA	301
DNA SAMPLES	186
DOG BITES	89
DOG INJURIES	90
DOMESTIC VIOLENCE	95
DRIVING TACTICS	75
DRUG USE	373

E

ELDER ABUSE	116
ELECTRICAL LINES	236
ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY DEVICE	52
ELECTRONIC MAIL	20
EMERGENCY MANAGEMENT PLAN	19
EMERGENCY UTILITY	236
EMPLOYEE COMMENDATIONS	403
EMPLOYEE CONVICTIONS	371
EMPLOYEE DISCIPLINE	141
ENFORCEMENT	276
EVALUATION	362
EXCESSIVE FORCE	144
EXPLOSIVES	211
EXPOSURE(S)	206

F

FAILURE TO TAKE ACTION	144
FALSE STATEMENTS	143
FALSIFICATION OF RECORDS	143
FIELD CITATIONS	220
FIELD DETAINEES	243
FIELD INTERVIEW	243
FIELD PHOTOGRAPHS	243
FIELD TRAINING OFFICER	239
FIGHTING	142
FIREARM DISCHARGE	40
FIREARM SERIAL NUMBERS	326
FIREARMS	65, 67
Flying Armed	69
Qualifications	68
Storage of	67
FITNESS FOR DUTY	404
FORCE	33, 38
FOREIGN NATIONALS	225
Arrest or Detention	225
Arrest Procedure	230
In-Custody Arrests	227
Traffic Collisions	229
Vehicle Registration	226

G

GAMBLING	144
GANGS	248
GENERAL ORDER	18
GRATUITY	144
GRIEVANCE PROCEDURE	367

H

HANDCUFFING	163
Juveniles	163
HATE CRIMES	139
HAZARDOUS MATERIAL	206
HEARING IMPAIRED	181
HELICOPTER ASSISTANCE	242
HONORARY CONSULS	226
HORSEPLAY	142
HOSTAGES	208
NEGOTIATIONS	208

I

IDENTITY FRAUD	172
IMMIGRATION VIOLATIONS	233
IMMUNITY	225
INITIATE A PURSUIT	72
INSUBORDINATION	143
INTERNET USE	151
INVESTIGATION AND PROSECUTION	298

J

JAIL	343
JUVENILE INFORMANTS	303
JUVENILES	107
Citations	222
Discipline	114
Non-Contact Requirements	108
Release of Information	112
Secure Custody	109
Use as Informants	303

L

LEG RESTRAINT	45
LIMITED ENGLISH PROFICIENCY	174

M

MANDATORY APPEARANCE	159
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Centerville Police Department

Policy Manual

INDEX

MANUALS.....	19
MDT.....	257
Emergency Activation	258
MEAL PERIODS AND BREAKS	412
MEDIA RELATIONS.....	60
MEDIA REQUEST	156
MEDICAL ATTENTION	36
MEGAN'S LAW	165
MENTAL ILLNESS	
Commitments.....	217
Restraints	218
MINIMUM STAFFING.....	27
MISAPPROPRIATION OF PROPERTY	143
MISSING PERSON.....	129, 131
Definitions.....	129
Investigation Diligence	130
suspicious circumstances	130
MISUSE OF PUBLIC FUNDS	144
MOBILE AUDIO VIDEO	253
Required Activation.....	254
Review	255
MOBILE DATA TERMINAL	257

N

NARCOTIC-DETECTION DOGS	88
NEWS MEDIA RELATIONS	156
NON-DEADLY FORCE.....	35

O

OATH.....	10
OC SPRAY	49
OFFICER-INVOLVED SHOOTING	58
ON-DUTY INJURIES.....	421
ORGANIZATIONAL STRUCTURE.....	16
OUTSIDE EMPLOYMENT.....	416
Obtaining Approval	416

P

PAT DOWN SEARCHES.....	353
PAT-DOWN SEARCH.....	243
PATROL FUNCTION.....	199
PEACE OFFICER POWERS	8
PERSONAL APPEARANCE.....	424
PERSONAL PROPERTY.....	307
Loss Or Damage	308
PERSONNEL COMPLAINTS	
Documentation.....	385
PERSONNEL FILES	395
Requests For Disclosure	396
Types Of Personnel Files	397
PHOTO LINEUP	299

PHYSICAL AND MENTAL	
EXAMINATIONS	405
POLICY MANUAL.....	11
POLITICAL ACTIVITIES	144
PROMOTION PROCESS	365
PROPERTY PROCEDURES	316
Disputed Claims.....	320
Packaging Of Property	318
Property Release	320
PURSUIT INTERVENTION.....	78
PURSUIT UNITS	74

R

RACIAL PROFILING.....	201
RAPID DEPLOYMENT TEAM	231
REASONABLE SUSPICION	243
REASONABLENESS OF FORCE	34
RECORDERS	259
RECORDS CENTER	324
RECRUITMENT	357
REFLECTORIZED VESTS	278
RELEASE OF RECORDS AND	
INFORMATION	328
Arrest Reports	329
Processing Requests.....	328
REPORT CORRECTIONS.....	155
REPORT PREPARATION.....	153
REPORTING CONVICTIONS	371
Domestic Violence	371
RESPONSE TO CALLS.....	85
RESTRAINTS	218
SEE ALSO LEG RESTRAINT	
RESTRICTED INFORMATION.....	158
RETIRED OR FORMER OFFICER CWL	30

S

SALIVA SAMPLES	187
SCHOOL EMPLOYEE REPORTING	185
SEARCH AND SEIZURE.....	101
SEARCHES	
Custody	352
Pat Down.....	352
Strip.....	352
SEARCHING	
Dead Bodies	170
SEAT BELT PROCEDURE.....	391
SELECTION.....	91
SEXUAL ASSAULT	301
SEXUAL HARASSMENT	121
SHIFT SERGEANTS	252
STAFF	12
STAFFING LEVELS	27

Centerville Police Department

Policy Manual

INDEX

STANDBY	159
SUBPOENA DUCES TECUM	330
SUBPOENAS	159
Acceptance	159
Civil Subpoenas	161
Failure To Appear	160
SUPERVISION DEPLOYMENTS	27
SWEEPS	233

T

TASER®	52
TATTOOS	425
TEMPORARY CUSTODY	107
TEMPORARY HOLDING FACILITY	343
TERMINATE A PURSUIT	73
TIME CARD	415
TIME CARDS	415
TOBACCO USE	383
TRAFFIC FUNCTION	275

TRAFFIC SIGNAL	236
TRANSFER PROCESS	365

U

UNIFORM REGULATIONS	426
USE OF FORCE	33
UTILITY SERVICE	236

V

VEHICLE MAINTENANCE	309
VEHICLE PURSUIT	71
VICTIM WITNESS	137

W

WASHING OF VEHICLES	309
WATER LINES	236
WORKERS COMPENSATION	421